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MARKUP OF:

H.R. 1493, THE SUNSHINE FOR REGULATORY DECREES
AND SETTLEMENTS ACT OF 2013;

H.R. 1123, THE UNLOCKING CONSUMER CHOICE
AND WIRELESS COMPETITION ACT;

H.R. 2122, THE REGULATORY ACCOUNTABILITY ACT OF 2013;

H.R. 2542, THE REGULATORY FLEXIBILITY
IMPROVEMENTS ACT OF 2013;

H.R. 2641, THE RESPONSIBLY AND PROFESSIONALLY
INVIGORATING DEVELOPMENT (RAPID) ACT OF 2013; AND

H.R. 2655, THE LAWSUIT ABUSE REDUCTION ACT OF 2013

Wednesday, July 24, 2013

House of Representatives,

Committee on the Judiciary,

Washington, D.C.

The committee met, pursuant to call, at 10:19 a.m., in Room 2141,
Rayburn House Office Building, Hon. Bob Goodlatte [chairman of the

committee] presiding.

Present: Representatives Goodlatte, Sensenbrenner, Smith of Texas, Chabot, Bachus, Issa, Forbes, King, Franks, Gohmert, Jordan, Poe, Chaffetz, Marino, Gowdy, Amodei, Labrador, Farenthold, Holding, Collins, DeSantis, Smith of Missouri, Conyers, Nadler, Scott, Watt, Lofgren, Jackson Lee, Cohen, Johnson, Pierluisi, Chu, Deutch, Bass, Richmond, DelBene, Garcia, and Jeffries.

Staff Present: Shelley Husband, Staff Director; Branden Ritchie, Deputy Staff Director/Chief Counsel; Allison Halataei, Parliamentarian; Kelsey Deterding, Clerk; Joe Keeley, Counsel; Paul Taylor, Counsel; Daniel Flores, Counsel; Perry Apelbaum, Minority Staff Director; Danielle Brown, Minority Parliamentarian; James Park, Minority Counsel; and Susan Jensen, Minority Counsel.

Chairman Goodlatte. Good morning. The Judiciary Committee will come to order.

And, without objection, the chair is authorized to declare a recess at any time.

Pursuant to notice, I now call up H.R. 1493 for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Deterding. H.R. 1493, to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes.

[The bill follows:]

***** INSERT 1-1 *****

Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any point.

And I will begin by recognizing myself for an opening statement.

I thank Representative Collins for his introduction of this important bill and subcommittee Chairman Bachus for his work to report the bill promptly from the subcommittee to the full committee.

While the flow of new regulations from Washington grinds on, so does America's dismal unemployment situation. Make no mistake, the untimely drag of new regulations, too often issued without sufficient consideration of their costs, benefits, and impacts on jobs, remains a significant part of our virtual jobs depression.

The Sunshine for Regulatory Decrees and Settlements Act of 2013 is an important part of the solution to this problem. Far too often, costly new regulations are issued directly under the authority of consent decrees and settlement agreements that force Federal agencies to issue new rules. These decrees and settlements typically stem from deals between regulatory agencies and pro-regulatory plaintiffs.

Those to be regulated, our Nation's job creators, frequently do not know about these deals until the plaintiff's complaints and the proposed decrees or settlements are filed in court. By then, it is too late. Regulated businesses, State regulators, and other interested entities are unlikely to be able to intervene in the litigation.

The court can approve the deals before regulated parties even have an opportunity to determine whether new regulatory costs can be imposed

upon them.

The Obama administration has entered into a high number of consent decrees and settlement agreements like this. Prominent examples include decrees and agreements that require the Environmental Protection Agency to issue Clean Air Act maximum achievable control technology standards and Chesapeake Bay TMDLs that trigger billions of dollars in costs.

The Sunshine for Regulatory Decrees and Settlements Act of 2013 puts an end to the abuse of this practice. It ensures that those to be regulated have a fair opportunity to participate in the resolution of litigation that affects them. It ensures that courts have all the information they need before they approve proposed decrees and settlements. And it provides needed transparency on the ways agencies conduct their business.

At the same time, the bill also respects the basic rights of plaintiffs and defendants to manage litigation between them. As a result, this legislation offers an effective and balanced remedy.

Never has this bill been more important than today. It is a timely solution to a real and important problem. I want to thank the gentleman from Georgia, Mr. Collins, for introducing this legislation. And I urge my colleagues to support the bill's passage.

And I now recognize the gentleman from Michigan, Mr. Conyers, for his opening statement.

Mr. Conyers. Thank you, Chairman Goodlatte.

H.R. 1493 has, to me, a simple goal: to discourage the use of

settlement agreements and consent decrees.

And why is this problematic? Well, to begin with, this bill, by delaying regulatory projections, jeopardizes public health and safety, which explains in large measure why the administration issued a veto threat against a very similar measure in the last Congress. It also explains why a broad consortium of organizations strenuously opposed the prior bill and this one, as well. These organizations include the Natural Resources Defense Council, the American Civil Liberties Union, the NAACP, the Sierra Club, and Earthjustice, among other groups.

This bill could be used to prevent Federal and regulatory actions from being implemented. And I have a number of examples in this regard, but I need to take a moment this morning to discuss process of the House Judiciary Committee.

There are not one but at least five complicated and contentious bills on the markup agenda today. I am not certain why there is such a rush to mark up all these bills just a week before the August recess.

One possible explanation is that, by scheduling so many bills, all controversial, maybe it is the hope on the part of the majority that this might lessen our resolve and ability to address all of our concerns about these bills. And I can assure you, that is an incorrect assumption.

Another explanation is the possibility that this markup may be more -- well, less substantial and more a show, as evidenced by the fact that at least four of the bills before us today are nearly identical to bills considered in the last Congress, which failed to pass the

Senate and for which the administration issued veto threats. It is clear that these bills, as written, aren't going to go very far.

And if this was truly a meaningful and deliberative effort to legislate, surely we would be considering at least somewhat modified versions of these bills before the committee minority, the Senate, and the administration have rejected and which have very little possibility of becoming law.

And so, with all due respect, Mr. Chairman, I am concerned about the process that the committee has accorded these bills leading up to markup today. For example, the hearing records on at least three of the four regulatory bills are not even complete, as we have yet to receive answers to questions that Members submitted for the record. As to another bill on today's agenda, the committee held no hearings at all.

And so I think it something that we must seriously consider, how in the world will all the amendments that I hear are pending, that we could handle all these pieces of legislation in one markup.

And so I reluctantly start off with this bill, pointing out that the bill would give opponents of regulation multiple opportunities to stifle rulemaking by allowing essentially any third party -- any third party -- who is affected by the regulatory action at issue in a covered civil action to intervene in that civil action -- imagine that -- subject to rebuttal, or to participate in settlement negotiations, and to submit public comments about a proposed consent decree or settlement agreement that agencies would be required to

respond to.

And, in addition, 1493 mandates that agencies provide for public comment on a proposed consent decree and requires agencies to respond to all such comments before the consent decree can be entered in court.

Like nearly all of the anti-regulatory bills we have considered to date since the last Congress, H.R. 1493 piles on procedural requirements after procedural requirements for both the agencies and the courts. Another concern is that the bill threatens to undermine a critical tool that citizens use to guarantee their constitutionally mandated protections, including civil rights laws.

Well, I will stop at this point and insert the rest of my statement into the record. But I am very deeply disturbed by the process considerations that I have been forced to raise today.

I yield back the balance of my time.

Chairman Goodlatte. Thank you, Mr. Conyers.

I would now like to recognize a member of the Subcommittee on Regulatory Reform, Commercial, and Antitrust Law and sponsor of this legislation, the gentleman from Georgia, Mr. Collins, for his opening statement.

Mr. Collins. Thank you, Mr. Chairman.

And I appreciate this time, the time the committee has spent addressing the regulatory burdens facing our Nation. Today's markup shows America that we are committed to restoring a commonsense approach to regulations that encourage innovation and allow job creators to thrive.

H.R. 1493 sheds a much-needed light into the deals between special interests groups and unelected bureaucrats by introducing transparency requirements to the consent decrees and settlement process.

Agencies are failing to uphold their statutory rulemaking discretion and allowing lawsuits from outside groups to dictate their priorities and duties. Between 2009 and 2012, the majority of these sue-and-settle actions occurred in the environmental realm, particularly under the Clean Air Act, Clean Water Act, and the Endangered Species Act.

The status quo is troubling for a number of reasons. First, since 1993, 98 percent of EPA regulations pursuant to the three core Clean Air Act programs were promulgated late. And we are not talking just a few days late; they were late by an average of over 2,000 days -- 2,000 days.

If the EPA's persistent failure to meet nondiscretionary deadlines is a result of their limited resources, then why in the world should we be taking on new discretionary regulatory responsibilities? The EPA should give priority to the duties chosen for them by Congress when they codify them in statute, rather than the regulatory burdens that they have put upon themselves. An example of such a burden is the agency's unilateral decision to regulate greenhouse gases as pollutants.

Second, since the EPA is failing to comply with virtually all its deadlines, we presume due to limited resources and large regulatory responsibility, then it is even more compelling that transparency exist

in consent decrees and settlements. When the environmental lawyers enter into deals with the bureaucrats to establish when the EPA will meet its past-due responsibilities, it is effectively deciding how the EPA will use its limited resources and, thus, creating policy priorities for the agency.

If the EPA needs assistance in prioritizing its many regulatory responsibilities, I recommend that they consult the States who must implement these regulations and the businesses and industries that will be impacted by the regulations.

Unlike what the environmental groups claim, H.R. 1493 does nothing to hinder the rights of citizens to bring suit against their government. Instead of buying into the mantra of special interest groups that benefit from these deals, let's look at what H.R. 1493 actually does.

First, the bill require agencies to give notice when they receive notice of intent to sue from private parties. This makes sense. If a private group wants to sue an agency, then nothing in this bill prevents that. It just adds some much-needed transparency and allows the public to be informed if they wish to be.

Second, the bill affords affected parties an opportunity to intervene prior to the filing of the consent decree or settlement with a court. At its most basic level, this provision is simply good governance. Why should special interest groups be the only ones who are given a seat at the table? If you are affected by the consent decree and settlement, you should have the opportunity to your voice your

opinion. This isn't a political issue; it's an issue of fairness, which we hear a lot about nowadays.

Third, the bill requires agencies to publish notice of proposed decree or settlement in the Federal Register and take and respond to public comments at least 60 days prior to filing the decree or settlement. This provision simply strengthens the public participation requirement and increases transparency.

Finally, the bill requires agencies to do a better job showing that a proposed agreement is inconsistent with the law and the public interest. Agencies shouldn't be entering into deals that are inconsistent with the law and the interests of the public. These provisions simply ensure that they aren't.

The bill takes a measured, reasonable approach to the sue-and-settle problem. This legislation doesn't severely restrict agency settlement, nor does it prevent citizens and groups from bringing suit against an agency.

H.R. 1493 simply ensures that settlements are conducted out in the open and that interested parties can have a seat at the table. I believe that Federal agencies' regulatory agenda should be more transparent, open, and accountable, and this legislation accomplishes that goal.

I thank the chairman for bringing it before the committee today, and I urge my colleagues to support transparency and public participation by voting in favor of this bill.

And I yield back.

Chairman Goodlatte. The chair thanks the gentleman.

Are there amendments to H.R. 1493?

Mr. Conyers. Mr. Chairman, I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment offered by the gentleman from Michigan.

Ms. Deterding. Amendment to H.R. 1493, offered by Mr. Conyers of Michigan. Page 3, line 10, strike "; and" and insert ", other than an excepted consent decree or settlement agreement;".

[The amendment of Mr. Conyers follows:]

***** INSERT 1-A *****

Mr. Conyers. I ask unanimous consent that the amendment be considered as read.

Chairman Goodlatte. Without objection, the amendment will be considered as read.

And the gentleman is recognized for 5 minutes to explain his amendment.

Mr. Conyers. Thank you, sir.

Members of the committee, with ever-increasing opportunities for governmental and private organizations to obtain and disseminate sensitive, private information of American citizens, to me it is critical that we not prevent or delay regulatory protections designed to safeguard this information.

And I have several reasons for making that statement. To begin with, such information has itself become a commodity with financial value, subject to abuse by those who seek to sell it for financial gain and or for criminal purposes. And, as a result, identity theft is now one of the top complaints received by the Federal Trade Commission.

This agency is empowered, of course, to protect consumer privacy under 33 different laws and various regulations. Many of these enforcement actions are resolved through settlement agreements and consent decrees because time is often of the essence with respect to identity theft. The longer private information remains in unauthorized hands, the greater likelihood it can be even more broadly distributed, allowing victims to be further victimized.

The protection of Americans' privacy is not a Democratic or

Republican issue. Indeed, it is one of the few matters that those on opposite ends of the political spectrum have long mutually embraced.

Yet, notwithstanding these shared concerns, this measure before us, this bill, could impose time-consuming and incredibly burdensome requirements on agencies, such as the FTC, to enter into consent decrees and settlement agreements that were intended to protect privacy. And so my amendment just corrects the shortcoming in the bill by including an exception for decrees and agreements that protect the privacy of Americans.

I urge my colleagues to consider favorably this amendment, and I yield back the balance of my time.

Chairman Goodlatte. The chair thanks the gentleman.

For what purpose does the gentleman from Georgia seek recognition?

Mr. Collins. I move to strike the last word, Mr. Chairman.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Collins. Mr. Chairman, I oppose this amendment.

This amendment seeks less transparency, public participation, and judicial review for a specific set of consent decrees and settlement agreements. This amendment's special carveout would be for decrees and agreements about regulations that allegedly will help protect privacy.

Look, I agree with the ranking member. Privacy is an issue on everyone's mind. But with all due respect, this amendment once again has the issue backwards. More transparency, public input, and

judicial scrutiny will only help to produce regulations that better protect privacy rights. In fact, special backroom deals about what regulations will be issued and what they may contain are precisely the kind of deals that most threaten privacy interests.

I urge my colleagues to oppose this amendment, and I yield back.

Chairman Goodlatte. The question occurs on the amendment offered by the gentleman from Michigan.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it.

Mr. Conyers. Mr. Chairman, may I have a record vote?

Chairman Goodlatte. A recorded vote is requested, and the clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

[No response.]

Ms. Deterding. Mr. Chabot?

[No response.]

Ms. Deterding. Mr. Bachus?

Mr. Bachus. No.

Ms. Deterding. Mr. Bachus votes no.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

[No response.]

Ms. Deterding. Mr. King?

Mr. King. No.

Ms. Deterding. Mr. King votes no.

Mr. Franks?

Mr. Franks. No.

Ms. Deterding. Mr. Franks votes no.

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Deterding. Mr. Gohmert votes no.

Mr. Jordan?

[No response.]

Ms. Deterding. Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

[No response.]

Ms. Deterding. Mr. Marino?

Mr. Marino. No.

Ms. Deterding. Mr. Marino votes no.

Mr. Gowdy?

Mr. Gowdy. No.

Ms. Deterding. Mr. Gowdy votes no.

Mr. Amodei?

Mr. Amodei. No.

Ms. Deterding. Mr. Amodei votes no.

Mr. Labrador?

[No response.]

Ms. Deterding. Mr. Farenthold?

[No response.]

Ms. Deterding. Mr. Holding?

[No response.]

Ms. Deterding. Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Deterding. Mr. Conyers votes aye.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Deterding. Mr. Nadler votes aye.

Mr. Scott?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Mr. Watt?

Mr. Watt. Aye.

Ms. Deterding. Mr. Watt votes aye.

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Deterding. Ms. Lofgren votes aye.

Ms. Jackson Lee?

[No response.]

Ms. Deterding. Mr. Cohen?

[No response.]

Ms. Deterding. Mr. Johnson?

[No response.]

Ms. Deterding. Mr. Pierluisi?

[No response.]

Ms. Deterding. Ms. Chu?

Ms. Chu. Aye.

Ms. Deterding. Ms. Chu votes aye.

Mr. Deutch?

Mr. Deutch. Aye.

Ms. Deterding. Mr. Deutch votes aye.

Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

Ms. Bass. Aye.

Ms. Deterding. Ms. Bass votes aye.

Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

[No response.]

Ms. Deterding. Mr. Jeffries?

[No response.]

Chairman Goodlatte. The gentleman from Wisconsin?

Mr. Sensenbrenner. No.

Ms. Deterding. Mr. Sensenbrenner votes no.

Chairman Goodlatte. The gentleman from Texas?

Mr. Smith of Texas. No.

Ms. Deterding. Mr. Smith of Texas votes no.

Chairman Goodlatte. Gentleman from Utah?

Mr. Chaffetz. No.

Ms. Deterding. Mr. Chaffetz votes no.

Chairman Goodlatte. Gentleman from Texas?

Mr. Farenthold. No.

Ms. Deterding. Mr. Farenthold votes no.

Chairman Goodlatte. Gentleman from Georgia?

Mr. Johnson. Aye.

Ms. Deterding. Mr. Johnson votes aye.

Chairman Goodlatte. Gentleman from Tennessee?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Chairman Goodlatte. Gentleman from New York?

Mr. Jeffries. Aye.

Ms. Deterding. Mr. Jeffries votes aye.

Chairman Goodlatte. Gentleman from Texas?

Mr. Poe. No.

Ms. Deterding. Mr. Poe votes no.

Chairman Goodlatte. Are there Members who wish to vote who have not voted?

The clerk will report.

Ms. Deterding. Mr. Chairman, 12 Members voted aye, 16 Members voted nay.

Chairman Goodlatte. And the amendment is not agreed to.

Mr. Conyers. Mr. Chairman, may I ask unanimous consent to enter into the record the Federal Trade Commission's records of their attempts to protect consumer privacy?

Chairman Goodlatte. Without objection, the records will be made a part of the record.

Mr. Conyers. Thank you.

[The information follows:]

***** COMMITTEE INSERT *****

Chairman Goodlatte. For what purpose does the gentleman from Tennessee seek recognition?

Mr. Cohen. Thank you, Mr. Chairman. Just kibitzing with the former chairman. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 1493, offered by Mr. Cohen of Tennessee.

[The amendment of Mr. Cohen follows:]

***** INSERT 1-2 *****

Mr. Cohen. Thank you. This --

Chairman Goodlatte. The gentleman will suspend.

The amendment will be considered as read.

And the gentleman is recognized for 5 minutes.

Mr. Cohen. Thank you, Mr. Chairman.

Chairman Goodlatte. And now it is official.

Mr. Cohen. Thank you.

This amendment exempts from H.R. 1493 all consent decrees and settlement agreements that prevent or are intended to prevent discrimination based on race, gender, or other legally protected characteristics. Let me repeat that: discrimination based on race, gender, or other legally protected characteristics.

Civil rights laws embody one of our Nation's most fundamental values as a country as we try to become a more perfect Union: that no one should be treated adversely solely on account of their race, their sex, their religion, their national origin, their age, or a disability. And that has been in law both through the judicial and the legislative branches.

Consent decrees, in particular, have been instrumental in enforcing civil rights statutes in a wide variety of cases, ranging from those involving voting rights to reform of mental health institutions to police misconduct. Indeed, they are the heart of the civil rights enforcement. These voluntary agreements allow parties to avoid costly and protracted litigation and ensure that justice is served quickly and fairly.

By making it substantially more difficult for Federal agencies to enter into consent decrees or settlement agreements regarding civil rights enforcement, H.R. 1493 unfortunately, sadly, effectively undermines Congress' statutory mandates to agencies concerning civil rights matters.

Anyone who cares about combating unlawful discrimination based on race, gender, disability, or other protected characteristics -- and I am sure that is all of us; I know it is -- should support this amendment. It is just the right thing to do. It is the American thing. And I would ask that we pass the amendment.

I will yield the remainder of my time.

Chairman Goodlatte. The chair thanks the gentleman.

For what purpose does the gentleman from Georgia seek recognition?

Mr. Collins. I move to strike the last word, Mr. Chairman

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Collins. Although I appreciate the gentleman from Tennessee and, as a father of a disabled child, I appreciate those concerns, however, I have to oppose this amendment.

This amendment seeks less transparency and public participation in judicial review for consent decrees and settlement agreements for regulations that allegedly will help protect civil rights. With all due respect, I believe that this has the matter backwards. More transparency and public input and judicial scrutiny will only help to produce regulations that better protect civil rights.

Further, since the bill promotes participation of regulated entities and State, local, and tribal entities that may be affected by or enforce the regulation, it will promote buy-in from these groups. That will help the regulations to be better and more promptly implemented, not held up in years of litigation challenging the rules.

I would urge my colleagues to oppose this amendment.

Mr. Cohen. Would the gentleman yield?

Mr. Collins. I yield.

Mr. Cohen. Thank you.

The fact is -- and I appreciate your situation, your position. Civil rights, although we have had the Voting Rights Act, which of course has been limited lately, and we had the Civil Rights Act in 1964, civil rights for all folks with disabilities and minorities have come primarily through the courts. That is where Brown v. Board of Education came from. And but for the Supreme Court ruling in that case and Supreme Court rulings in other cases similarly for other classes, we wouldn't have the advancements.

Once the courts have been able to act, oftentimes through these type of decrees, it becomes apple pie and motherhood. It has made us a more perfect Union and a better Nation. And I would submit that if you look at the history of our country, it is these type of decrees and the judicial branch that has done so much to bring us together.

Mr. Collins. Well, I appreciate the gentleman's comments, and I think we both agree in the protection of those who need protecting. However, I believe this bill does that. It provides transparency, it

provides and does protect that, and probably does so in a larger way.

This is just an area in which the gentleman and I will disagree on. I would urge opposing this amendment and would yield back my time.

Mr. Conyers. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from Michigan seek recognition?

Mr. Conyers. I rise in support of the Cohen amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Conyers. Thank you.

This is a measure that would exempt the bill from any consent decree or settlement agreement concerning a potential rule protecting against discrimination on the basis of race, sex, national origin, or the protected characteristics.

Now, I am one of those that was in the Congress in 1965 when the first Voting Rights Act was passed. It was a thrilling and exciting moment.

And I think that the gentleman from Tennessee is absolutely on target when he says that it is very important that we don't burden some of these decrees with unnecessary and potentially disrupting negotiations, especially in civil rights law. We have had the Voting Rights Act extended three times already, and it is just as important as ever. As a matter of fact, it seems to be getting even more important with the Supreme Court in Shelby County. And so civil rights laws embody one of the most fundamental values of us as a Nation, and no one should be treated adversely solely on account of their race or their

sex, religion, national origin, age, or disability.

And so, consent decrees have been instrumental in enforcing various civil rights statutes in a wide variety of cases, ranging from those involving voting rights to reform of mental health institutions to law enforcement misconduct. Indeed, they are at the heart of civil rights enforcement. It is historical, in this area of legislation and lawmaking, that consent decrees are very important.

And so by making it, as this measure does, more difficult for agencies to enter into consent decrees or settlement agreements regarding civil rights enforcement, this bill effectively undermines Congress' statutory mandate to agencies concerning civil rights. This is a huge, direct assault on one of the most -- well, I think it was the most important reason that I asked Speaker John McCormack to allow me to be placed on the Judiciary Committee.

And the struggle still goes on. It is not as violent, in that people aren't wearing robes and are not being shot or killed directly as a result of this, but the job is in the process of being improved upon. And it has been all that time since 1965, and I see a huge threat to civil rights activity as a result of any serious consideration of legislation like that before me.

Mr. Cohen. Would the gentleman yield?

Mr. Conyers. Of course. I would be pleased to.

Mr. Cohen. Are you familiar with times when police departments have been alleged to have infringed on minority rights, particularly in the South but also in urban areas, and that, because of legal actions

brought, that the city and the plaintiffs agreed to remedies that rectified problems that had gone on and been pervasive, discrimination against minorities, and solved those problems?

Mr. Conyers. Well, that is a standard procedure. I mean, that is normally the way these things come about for resolution.

And let me assure you that this isn't just in the South. In Detroit, for example, I have been connected with police brutality allegations and illegal and violent activity on the part of law enforcement agencies and agents.

And we still have an unusually high number of cases and incidents where this process of parties beginning to move forward -- and it doesn't solve problems, we don't end racial discrimination by having dozens and dozens of consent decrees on the subject, but it moves things forward. And it is a tested and true means of dealing --

Chairman Goodlatte. The time of the gentleman has expired. Without objection, the gentleman is recognized for an additional minute.

Mr. Conyers. Thank you, sir.

I would just conclude by urging, if for no other reason -- and there are plenty of others -- but it seems to me that, on the basis of the civil rights activity going on, we are in no position to make the process of consent decrees more cumbersome and longer.

And I thank the chairman for giving me an additional moment.

Chairman Goodlatte. The chair thanks the gentleman.

For what purpose does the gentleman from Texas seek recognition?

Mr. Gohmert. I rise in opposition to the amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Gohmert. Thank you, Mr. Chairman.

There is nobody in this chamber that is more appreciative than I am for the gentleman from Tennessee and my friend from Michigan standing up for the rights of race, religion, national origin of the Delta smelt, the snail darter, various lizards, the lesser prairie chicken, the greater sage grouse, and so many other insects who would want someone standing for their religion, their race, and their national origin. And I think that is wonderful.

And I am grateful to my friend from Michigan for bringing up the Voting Rights Act, as well. Because, as he will recall, when we were taking up the extension of the Voting Rights Act, I pointed out then that --

Ms. Jackson Lee. Would the gentleman yield?

Mr. Gohmert. No, I won't.

I pointed out then that the Voting Rights Act was continuing to punish present generations for the sins of generations 40 and 50 years ago that now had less racial disparity than the numbers across the country and that there were new areas where sins had arisen that were not being brought under the punitive provision. And I promised my friend, if we would extend that to those areas where there was racial disparity that showed racial discrimination, I would agree. And because there was basically a consent decree between some people on both sides of the aisle, we were overrun, and it took the Supreme Court

to point out you can't keep punishing present generations for the sins of generations 50 years ago.

Now, we are talking about the fish and wildlife lawsuits. And I know that the way it has been going, you have had liberal people in the Fish and Wildlife who wanted more land, more Federal control, teaming up with liberal groups who wanted the Federal Government to have more land, more control, and take away more private property rights.

But I would also ask you to consider, because of what Mr. Collins is proposing, that it may protect interests down the road, because this does require greater transparency. It will not allow some conservative or radical right-wing administration or group in the Fish and Wildlife to cut a deal with some right-wing radical group, and we never know about it so nobody can intervene and stop it.

The answer here is what Mr. Collins has proposed, so you don't have some group that is directly aligned with somebody in the administration at that point coming together, cutting a sweetheart deal between themselves, to the detriment of the race, religion, and national origin of snail darters and other animals in Fish and Wildlife.

So I applaud my friend from Georgia for bringing this bill and hope my friends will oppose --

Mr. Cohen. I have to express umbrage --

Ms. Jackson Lee. Will the gentleman yield?

Mr. Cohen. -- at the idea that African Americans or Jews --

Chairman Goodlatte. The gentleman --

Mr. Cohen. -- are like snail darters --

Chairman Goodlatte. The gentleman --

Mr. Gohmert. The gentleman will take note what this bill is about. It is not about race; it is about endangered species. And --

Mr. Cohen. But the amendment is about civil rights.

Mr. Gohmert. -- if the gentleman can point to an endangered species in this country --

Mr. Nadler. Mr. Chairman?

Mr. Gohmert. -- that is a human being, I am with him 100 percent. I yield back.

Chairman Goodlatte. The gentleman yields back.

Who seeks recognition?

The gentleman from New York is recognized for 5 minutes.

Mr. Nadler. Mr. Chairman, it is emblematic of the contempt in which some of the members of the committee hold the entire enterprise of trying to protect people's rights through regulations and through enforcement of laws that a general bill -- that an amendment to a general bill talking about regulatory power, an amendment dealing with civil rights, prevents or intends to prevent discrimination based on race, religion, national origin, or any other protected category, is talked about as if it pertained to snail darters.

This is not a snail darter's amendment. It is not an environmental amendment. It is a civil rights amendment. And we are talking about the civil rights of people, the civil rights of people which have been violated egregiously for generations in this country

and for which we have been improving in recent generations because of laws and because of enforcement of laws by regulatory agencies.

This bill and most of the other bills on the agenda today are part of a general conspiracy to destroy the ability of government to enforce its protective laws so that people can discriminate without proper sanction, so that corporations can impress individuals and consumers without proper sanction.

There is another arm of the conspiracy, which is, as we -- maybe I shouldn't call it a conspiracy because it is not secret. I will take that back. It is an open plot.

There is another arm of the plot. Arm one of the plot is to hamstring the regulatory agencies from enforcing the law by putting all sorts of requirements on them, such as these bills before us, with all sorts of deadlines and requirements, additional hoops they have to jump through and lesser time limits in which to jump through them.

The other arm of the plot is to defund them, to say we are putting all these more requirements on you before you can do anything, and, by the way, we are cutting your budget. That we are doing on the floor.

The effect of all this is essentially to repeal, to a very large extent, much of the protective legislation that has been passed in this country since 1932 and in civil rights since 1964.

And when Mr. Cohen advances an amendment to say, if we are tearing apart consumer protections and we are tearing apart safety protections and we are tearing apart environmental protections, at least let's protect some civil rights protections against the destruction of this

bill, along comes a member of the committee and starts talking about snail darters to demean the importance of what is being done to civil rights.

So Mr. Cohen is completely correct to take umbrage and talk about snail darters, as important as they may be from an environmental point of view in certain ecosystems, but it is not the ecosystem of civil rights. So Mr. Cohen is entirely correct to take umbrage at what amount to offensive remarks, talking about snail darters in the civil rights context, as if we are protecting the civil rights not of black people and of brown people and of Asian people but of snail darters. That is not what we are talking about.

And it is part of the larger attempt, an open attempt, to destroy most of or all of the protections that we have written into the law and the power of the regulatory agencies that we have set up to enforce these laws over the last 80 years.

I oppose these bills because it is a nasty plot. We developed these protections because we saw in the 1920s and the 1950s and other times what happens without these protections. And maybe we have to repeal them so that people will be oppressed again and they will see it, and we will have to reenact it all over again and reenact 100 years of American history. I hope not.

But the least we can do is talk intelligently about and relevantly about what we are talking about -- about what the bills will do, about what the amendments will do.

Mr. Cohen's amendment seeks to exempt civil rights enforcement

from the destructions of this bill. I wish we had amendments to exempt everything else. But it should be taken seriously. It should be adopted unless we have contempt for civil rights enforcement, which I hope we don't. And we shouldn't talk about snail darters when we are talking about civil rights.

I yield back.

Ms. Jackson Lee. Mr. Chairman?

Chairman Goodlatte. The chair recognizes himself in opposition to the amendment.

First of all, the gentleman from Tennessee is covering a subject, civil rights issues, that is distinguishable from other issues that are covered by this legislation. However, the intent of the legislation is to improve the regulatory process in all respects, including with regard to civil rights. And having those parties affected by a consent decree given notice and the opportunity to be heard as a part of that process will only improve the process with regard to individuals having their civil rights protected.

And, as the gentleman from Georgia noted, participation in this process will create greater buy-in for the effort being accomplished, rather than having something agreed upon without notice to the people who are directly affected by it and without their having the opportunity to have an input in it.

So the legislation is well-intended to make sure that the regulatory processes is approved, that it is not short-circuited by lawsuits and consent decrees that bypass the normal regulatory process,

bypass the notice that individuals are entitled to, and will improve protections of civil rights. And that is why it should be included in this process and not stricken from it.

Mr. Conyers. Would the chairman yield?

Chairman Goodlatte. I would be happy to yield to the gentleman from Michigan.

Mr. Conyers. Thank you for yielding.

I just want to ask you, Chairman Goodlatte, are you familiar with the position of the civil rights and civil liberties organizations on this bill, H.R. 1493?

Chairman Goodlatte. I am.

And I am also familiar with the position of all those that are affected by consent decrees. And I certainly agree with their argument that, if they are notified of an action and have the opportunity to have input into it, it will be a fairer process, it will be a process that has greater buy-in by those affected by the consent decrees and, therefore, is, in my opinion, promotive of civil rights, not --

Mr. Conyers. But they are not supporting the bill.

Chairman Goodlatte. I understand that, but there are different points of view, as you probably know, about how best to promote civil rights.

So that, I think, is the reason why Members should oppose the amendment, not because it doesn't attempt to address civil rights with regard to people who are concerned about. It does. But it goes about it in the wrong way. The right way to do it is to make sure that all

affected parties are properly notified of legal actions and consent decrees that could affect the way that they live their lives, conduct their businesses, and so on.

And to be consistent with support for the rule of law, one should reject this amendment.

And I --

Ms. Jackson Lee. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from North Carolina, Mr. Watt, seek recognition?

Mr. Watt. I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Watt. Thank you, Mr. Chairman.

One real value of the debate up to this point, it seems to me, is to enlighten us all about the breadth of this proposed legislation. And it is that that I want to direct my attention to.

The one thing that Mr. Gohmert said that I agree with is that this bill affects everybody. And the chairman's comments confirm that, that it affects everybody. Because if you look at the wording of the bill, an agency action in dispute would affect -- affect -- the person, I am not sure how you would put any boundaries around that.

So I think what we are doing here is opening up consent decrees. On the bottom of page 5, we are saying that any person that is affected has to be included as an intervenor in the action in settlement negotiations. I don't have any idea what the boundaries are of who is affected by this. I mean, anybody who comes to the table and says,

I am affected by the snail darter decision, a civil rights decision, a consumer decision, becomes a relevant protected party under this bill.

And so even if you start with the proposition that there ought to be more sunlight into this process, I think a lot of us could agree with that, but we wouldn't kick down every boundary for every lawsuit and every regulatory action, to include every citizen of the United States as a potential intervenor, as a potential party to the regulatory action. And that is really what this bill says.

There is no definition, there are no boundaries around who an affected party is. In fact, at the bottom of page 4, we are creating a rebuttable presumption that anybody can intervene in these proceedings -- anybody. I mean, all I have to do is say, yeah, I was affected because I wanted to come to Arizona or Texas and look for the snail garter or whatever it was that the judge was talking about down there -- I don't even know what it is. But if I ever say that I wanted to come to Texas and look for a snail garter, I become an affected party in this process. And that is way too broad for what we are talking about here.

This bill has no boundaries around it, from my perspective. And if we are going to do this, it does seem to me that we need to put some boundaries around who can be parties. Otherwise, you have no limits on the litigation or no limits on the regulatory action.

Mr. Conyers. Would the gentleman yield?

Mr. Watt. Yes, I am happy to yield. Maybe somebody can explain

to me what the boundaries around this are.

Mr. Conyers. Well, I think that is precisely why this bill has been written the way that it is: so that there are no boundaries and so that it is open to this totally overbroad ability for anybody to get --

Mr. Watt. But that knife cuts on both sides, as the judge said. It does cut on both sides, and you are going to have some devastating consequences, opening this up as broad as this bill opens it up.

You know, I am troubled -- I ask unanimous consent for 30 additional seconds.

Chairman Goodlatte. Without objection, the gentleman is recognized for an additional minute.

Mr. Watt. I am troubled by the characterization that the judge made, but the point that he made that is broader than this is that this bill covers everybody.

Mr. Gohmert. Would the gentleman yield?

Mr. Watt. It is not limited.

I have run out of time, and I think I have made the point I want to make. I will yield back.

Chairman Goodlatte. For what purpose does the gentleman from Alabama seek recognition?

Mr. Bachus. Mr. Chairman --

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Bachus. -- you know, every time I go home, people ask me, why can't the two sides get together? Why can't they talk?

And I think what has been said this morning is that this legislation is not intended to touch civil rights consent decrees. You know, we have talked about its purposes are really for different State agencies that are bound by consent decrees.

And the gentleman from Texas says this is about snail darters, it is not about voting rights. Well, if that is true -- you know, I don't know what -- I mean, if any of us think that we have the intelligence and the wisdom and the knowledge to know whether this will be applied in a certain fact situation, we are kidding ourselves.

And I can tell you, being from Birmingham, Alabama, there is a great sensitivity to civil rights because of our history. And this is one of those third rails.

I don't, myself -- and I am not speaking for anybody but myself, but I see no reason why an amendment like this, that we couldn't just clarify, look, this isn't intended to affect anybody's voting rights. And, I mean, for one thing, it is not good that our country engage in a debate over whether or not this is going to affect somebody's voting rights. Let's just take it off the table.

And I would suggest that that we either accept this amendment -- and it could have some unintended -- it could limit us in other ways. But I don't want to involve voting rights, particularly what happened in the last few weeks at the Supreme Court. I just think it is a very sensitive issue and we ought to take it off the table.

Mr. Conyers. Would the gentleman yield?

Mr. Bachus. Yes.

Mr. Conyers. I want to thank the gentleman, first of all, for his thoughtfulness, but especially because of the fact that he comes from a State that has seen and been through an extreme amount of turbulence during the 1950s and the 1960s and are moving away from it.

Rosa Parks came from your State, maybe your city, and came to Detroit, and I was honored to have her be the first person that I hired when I won my seat in Congress. And so I have come to learn as much as I can about some of Selma, Montgomery activities and the history that you allude to. And I thank you for your statement.

Mr. Bachus. Would the gentleman yield?

And let me say this. You know, we also say, well, you know, we take this amendment, then there is another amendment. Can't we take these amendments one at a time?

And I don't know, Mr. Collins, I don't think that this legislation, I don't think any of us intended for it to -- I guess, you know, we are talking about who is affected. Everybody in the United States is affected by every consent settlement on race. So it is not like you could bring the whole country into it.

And I just think, carve it out and move on. You know, there are certain debates that do the country no good. And this body should be -- if our ultimate goal is passing legislation, not getting it out of committee, not getting it out of the House, I just think this is an argument we ought to -- we ought to just take it off the table and move on.

I am not saying this is a good amendment. I am saying that the

gentleman who offers it, the gentleman from Tennessee and the gentleman from Detroit, from Michigan -- there are people that are sensitive to this and do not want any question -- I can tell you that even when the voting rights -- and that legislation came out of my district, Shelby County. But there are a lot of people that said, geez, do we have to open this up again?

RPTS JOHNSON

DCMN HERZFELD

[11:16 a.m.]

Mr. Bachus. I mean, is this something we want to deal with? Yes, you know. I would just say that I, for one, I am not endorsing this amendment, but I am recognizing the sensitivity, and I want to take that off the table.

Mr. Collins. Would the gentleman yield?

Mr. Bachus. Yes.

Mr. Collins. I agree. And I appreciate my subcommittee chairman on this. I am going to have to continue my opposition to this amendment not because I am one that wants to by any means step on someone's civil rights. I believe, though, as we get afield sometimes, we move out of areas of where the bill actually affects.

Let us get back to what the bill does. It is about process. It is about process of a bill that is a process in which I believe that if we have communication, that if we have -- and I appreciate the gentleman from Tennessee offering, I appreciate his heart for offering it, and those who have spoken for this amendment. However, I believe this is something that is protected in the bill. I believe it is something that more input -- again, we are not talking about the final outcome, we are talking about the process. We are talking about the process of open and transparent. And I appreciate the gentleman from Alabama and what he says. I just still oppose this amendment.

Chairman Goodlatte. Without objection, the gentleman from

Alabama is recognized for an additional minute.

Mr. Bachus. I think what we are talking about, we are talking about an amendment bill for voting rights. And, you know, anybody that thinks that the amendments right after the Civil War gave people voting rights, they ought to look at the history of it. It wasn't until Lyndon Johnson and the Voting Rights Act that people really had the right to vote. And I can tell you there is 100 years of -- there is 100 years of a lot of memories and a lot of abuse --

Chairman Goodlatte. Would the gentleman yield?

Mr. Bachus. Yes.

Chairman Goodlatte. This amendment doesn't affect voting rights. It affects anything related to race, religion, national origin, or any other protected category. And it says that in those areas then notice doesn't have to be given to affected parties so that they can participate in the judicial process whereby their rights are going to be affected.

That is what the amendment does, and that is why I oppose it, not because it is unfair to anybody, because the amendment itself creates an unfair situation where certain types of categories described by these very broad categories would suddenly say that in those instances an individual or a business that is going to be affected by a consent decree, and right now has no notice that they are going to be affected until it is actually agreed upon and entered by the court, would still have no notice. This is an issue of fairness to everyone regardless of race, religion, national origin, or any other protected category,

and that is why I oppose the amendment.

Mr. Bachus. I am not questioning your sincerity, I am not questioning the gentleman from Georgia's sincerity. I would like -- you know, and let me tell you, we are all sincere here, all right?

Listen, what this amendment says is there are settlement agreements every week or every month. I mean, people sue -- and let us substitute sexual discrimination or gender discrimination, religious discrimination, racial discrimination. There are settlement agreements every day in this country. There is a mechanism --

Chairman Goodlatte. Would the gentleman yield?

Mr. Bachus. And what I am saying is all of a sudden to say that somehow you have got to notify everybody in the United States --

Chairman Goodlatte. No. The bill doesn't say that. The bill says that, if you look elsewhere in the bill, specific defined categories of people will be affected by a consent decree.

Mr. Watt. Where is that, Mr. Chairman?

Mr. Bachus. Let me ask the chairman, is there really any intent to bring in more people into discrimination consent settlements? I don't think so.

Mr. Watt. Would the gentleman yield so I can ask the chairman a question? He says there is some definition of "affected party." I want to know where it is. Where is the definition of "affected party"? That is the point I was raising. I mean, this bill is so broad that

anybody in the United States in a civil rights lawsuit could be an affected party and even enter whatever that thing is that the judge was talking about.

Chairman Goodlatte. So, first of all, with regard to --

Mr. Watt. Snail darter, I could be an affected party.

Chairman Goodlatte. The chair yields to the gentleman from Alabama an additional minute. And if the gentleman will yield to me, I would be happy to answer the question of the gentleman from North Carolina.

Mr. Watt. I am looking for a definition.

Chairman Goodlatte. Would the gentleman from Alabama yield?

Mr. Bachus. Yes.

Chairman Goodlatte. The gentleman from Alabama yields to me. And now I want to say to the gentleman from North Carolina that the way that notice is provided is publication in the Federal Record. And the cases under which such notice would be required are defined on page 6 of the bill and on page 3, section (5)(B) of the bill.

Mr. Cohen. Would the gentleman yield, the chairman? The issue is --

Chairman Goodlatte. I don't have the time. The gentleman from Alabama does.

Mr. Cohen. First let me you say this, if you would yield. Thank you. I want to compliment the gentleman from Alabama. I think we have seen kind of a mini Profiles in Courage. It is tough to break from the ranks. What Mr. Bachus is doing is saying civil rights is a suspect

class. It is given strict scrutiny in the law, and why don't we give it strict scrutiny here?

This law would allow, as Mr. Watt brings up, any person -- and he was asked about standing, not notice -- any person the right to intervene, and put these cases off, and participate and put off justice. That is not right. This committee should give strict scrutiny to anything on civil rights, too, as our courts do. This is a special class. This is motherhood. It is apple pie. It is the right thing to do. It is not what Mr. Collins is looking at. And if it is not what he is looking at, Mr. Bachus is saying let us have a win-win, let us accept the amendment, let us not mess with civil rights, and let us pass this and protect Judge Gohmert's environmental issues or whatever and the business issues somebody else might have, but let's not deal with the strict scrutiny and the special classes of civil rights.

Mr. Bachus, thank you, thank you, thank you.

Chairman Goodlatte. Would the gentleman from Alabama yield?

I thank the gentleman for yielding.

I would just say to the gentleman from Tennessee that this bill provides that kind of strict scrutiny. Not anybody can intervene in the case. They have to meet all of the tests for standing in order to intervene in the case. So you can try to --

Mr. Watt. Where is that, Mr. Chairman?

Ms. Jackson Lee. Can I raise a question, Mr. Chairman?

Mr. Watt. Where is that, Mr. Chairman?

Chairman Goodlatte. In the United States Constitution, I would say to the gentleman from North Carolina.

The time of the gentleman from Alabama has expired. For what purpose does the gentlewoman from Texas seek recognition?

Ms. Jackson Lee. To add to the discussion of --

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Jackson Lee. I move to strike the last word. And I thank you very much.

First of all, let me just read the print. H.R. 1493 in print, in its description, to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes.

I don't see the distinctive change that -- or limitation. Even as the chairman, with all due respect, has cited a provision, I don't see that limitation.

Let me rise to support the underlying -- the amendment of Mr. Cohen and join Mr. Cohen in appreciating the interpretation Mr. Bachus has given, and to say to my good friend from Texas, and he is my good friend, that for the common good I just want to make sure for the record that you are not describing those lizards and snail darters and others equal to minorities who come under the civil rights law. I want to yield to the gentleman. That is not your intent; is that correct?

Mr. Gohmert. There is no comparison between --

Ms. Jackson Lee. You were not intending --

Mr. Gohmert. -- people of any race and inspects, snail darters.
There is no comparison.

Ms. Jackson Lee. I reclaim my time. I wanted for the common good for that to be on the record, Mr. Gohmert. I thank you for that.

Mr. Nadler. Would the gentlelady yield?

Ms. Jackson Lee. I would be happy to yield. Let me finish this point. I just wanted for the common good, I didn't want to leave this place with that equating.

But here is the point that I want to make. In civil rights consent decrees, in many instances there is a hostile circumstance. There is an offender, and there is an offeree. And the consent decree comes because you had to act in this manner.

I think Mr. Cohen's amendment speaks to the hostility that sometimes comes in the discourse and the litigation of civil rights matters. And so Mr. Bachus' statements about can't we just recognize the uniqueness, Mr. Cohen's comments about can't we understand that civil rights adheres to strict scrutiny, Mr. Chairman, is the reason why I think we can find common ground on Mr. Cohen's amendment.

Let me also say that Bruce Bartlett, an economic adviser in the Reagan and George H.W. Bush administrations, described an argument that regulation causes business uncertainty as a canard used by our friends. So we are talking about lives. We are talking about someone's rights. And as mentioned, it could be gender, it could be voting rights, it

could be rights that are not directed to voting, but are civil rights, and I believe that that is a fair exception to make in this legislation.

I would be happy to yield to Mr. Nadler and then Mr. Bachus.

Mr. Nadler. Thank you.

I want to ask the chair the following question: In the absence of Mr. Cohen's amendment being adopted, Mr. Cohen's amendment essentially exempting settlement agreements on civil rights cases from this bill, the language on page 4 says, "Rebuttable Presumption: In considering a motion to intervene in a covered civil action or a civil action in which a covered consent decree or settlement agreement has been proposed that is filed by a person who alleges that the agency action in dispute would affect the person, the court shall presume, subject to rebuttal" -- shall presume, subject to rebuttal -- "that the interests of the person would not be represented adequately by the existing parties to the action."

In other words, this party could then join it. In a civil rights regulatory action, in the absence of Mr. Cohen's amendment, if the Ku Klux Klan or the White Citizens Council chose to intervene -- to apply to intervene and say that their interests are not adequately represented by the parties to the action, why would not the -- or would the rebuttable presumption act to force their inclusion as parties to this action?

And I will yield to the chairman.

Chairman Goodlatte. Well, if the regulation --

Ms. Jackson Lee. I yield to the chairman.

Mr. Nadler. Sorry.

Chairman Goodlatte. If the consent decree would affect a party, and they had standing under the law, then I would assume that the court would be blind in terms of what individuals or groups could, A, petition the court to be made a party, and, B, could become a party to the case.

Ms. Jackson Lee. Reclaiming my time.

Chairman Goodlatte. One would assume that that would equally apply to the American Civil Liberties Union or other parties that would argue that they were affected by it.

Ms. Jackson Lee. I continue to yield, if the chairman will additionally yield, so I would ask to yield to Mr. Bachus. And I want to conclude. I yield to the gentleman.

Mr. Nadler. Thank you. I just want to make clear, in other words what we are saying is in the absence of Mr. Cohen's amendment, someone who is in favor of White supremacy, and that is their interest, that is their interest, supporting White supremacy and racial bigotry, that is their asserted interest, that is their only claim, would have the rebuttable presumption to be parties here under this bill, having no other interest other than that.

Chairman Goodlatte. I do not agree. That does not meet the requirements of standing under the law.

Ms. Jackson Lee. I ask the gentleman for additional time. I would like to yield to Mr. Bachus an additional 2 minutes. I ask unanimous consent, Mr. Chairman.

Chairman Goodlatte. The time of the gentlewoman has expired, but

the gentlewoman is recognized for an additional minute, without objection, to yield to the gentleman from --

Ms. Jackson Lee. Excuse me. As I yield to Mr. Bachus, as I conclude on this note, as I yield to Mr. Bachus, that is the point that I made, that this is mostly in civil rights matters a hostile situation. You are not protecting those individuals impacted by the consent decree who may be giving a remedy that they cannot get anywhere else, and you then open them up to the attack of those who they are seeking to be protected from. That is why this is a problem.

I yield to the gentleman from Alabama.

Mr. Bachus. And let me say this: I don't know what effect this amendment would have on the underlying bill, and I don't think any of us know for sure. But let me say I don't know what effect it would have on a sexual harassment case. I don't know what effect it would have on an age discrimination case. I don't know what it would do on gender. I don't know. But I will say this: I don't want it to have any effect on discrimination cases. I don't want it to raise the bar on sexual discrimination cases. I don't want it to affect age discrimination cases. And I am not saying that all those lawsuits are legitimate, you know. We don't have to go there. But we have people draft legislation every day in this body that I read, and I am amazed at how many issues are left unresolved.

Chairman Goodlatte. The chair would recognize the gentlewoman for an additional minute, without objection, if she would yield to me so I can respond to the gentleman from Alabama.

Ms. Jackson Lee. I thank the chair. I will yield to the chair.

Chairman Goodlatte. I thank the gentlewoman for yielding.

If you look at section 2, Definitions, the term "covered civil action" means a civil action seeking to compel agency action; alleging that the agency is unlawfully withholding or unreasonably delaying an agency action relating to a regulatory action that would affect the rights of private persons other than the person bringing the action; a State, local or tribal government; brought under chapter 7 of title 5, United States Code; or any other statute authorizing an action.

If the gentleman would acknowledge that I am addressing him, it does not cover all of these private cases brought by an individual. It only is going to pertain to a situation where a consent decree that affects people beyond the parties that are involved related to an action involving a Federal agency.

I don't see the gentleman's concern about how this would apply to every little action that is brought that is very important to an individual, but it is not important to the broad class of regulations.

Mr. Bachus. I said I didn't know whether it would or not. What I did say is if an agency enters into an agreement, or a city enters into an agreement, I don't want it to -- look, and what you are saying --

Chairman Goodlatte. Without objection, the gentlewoman is recognized for an additional minute so she can yield to the gentleman from Alabama.

Ms. Jackson Lee. I will be happy to yield. But may I continue on Mr. Bachus' question?

I think the basis of the underlying amendment that is before us is that to accept this, because we cannot speculate and guarantee that an agency could not be involved or some other aspect of the agency's work could not be involved in an aspect of civil rights, and so the question is why would we not want to exempt the questions of civil rights which directly go to the idea of an impact on an individual's rights, an individual's personal rights, an entity's rights that can impact many things from age to race, to voting, to health care, et cetera.

So I would yield back to the gentleman.

Chairman Goodlatte. I thank the gentlewoman.

For what purpose does the gentleman from Iowa seek recognition?

Mr. King. Move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. King. Thank you, Mr. Chairman.

I rise in opposition to the gentleman from Tennessee's amendment. And I just observe that, you know, a lot of us on this committee have a very hair trigger when this topic is brought up, and the course of this debate illustrates that, obviously. It takes me to a place where I wonder whether the political gain for this discussion is -- I guess I will say this: I will not challenge motives on this. I just regret that we get dug down into the depths of this. And I know that Mr. Conyers understands my heart on this issue.

I think this amendment gets at an issue that is important to us to look at, but what is going on in this government is this: that we have agencies that are entering into consent decrees and consent

agreements. We don't have insight into that or knowledge of that, let alone some of the people that might want to enter into that particular agreement.

This is about transparency, and I am hearing argument after argument against transparency. We should all be for transparency. I don't see anything in this language in this amendment that would negate the Civil Rights Act or the effect of the Civil Rights Act. It makes a political point, but I don't think it is constructive to what we are trying to do here. We should be able to pull together and bring some sunlight on these consent decrees. And I would tell you that I know of a number of them, which I will not enter into this record today because it would be even more inflammatory, but out of the judgment fund there are many dollars being paid at the discretion of the executive branch of government without congressional oversight, and probably no way to look into that without actually subpoenaing it and doing an investigation in this committee.

So I think what we get out of this transparency that comes from the gentleman's underlying bill is a constructive thing, and if we can't have transparency on our discussion of civil rights, you see what it brings to us. So let us have that. And I would yield --

Mr. Cohen. Would the gentleman yield?

Mr. King. I would yield the balance of my time to the gentleman from Texas.

Mr. Gohmert. Thank you. And I appreciate the gentleman yielding.

First of all, we are not allowed to do anything that adversely affects the civil rights of individuals when it comes to race, religion, national origin, or any other protected category because precisely that: They are protected. They are protected. We can't make a law that is constitutional that infringes upon those. And being a member of the Natural Resources Committee, and we are marking up stuff today there --

Mr. Watt. Would the gentleman yield?

Mr. Gohmert. Not at this time.

I would ask unanimous consent to enter into the record the Wall Street Journal article from March 10, 2013, that talks about the widespread, massive abuses where it says the Interior Department revives the game of sue and settle. This is where the abuses have come and where people's rights have been taken.

And let me point out also with regard to page 2 and 3, it is not only section 2, but also section 5, where it says to be involved, you have to have rights affected by the law, which gets over to what the chairman is talking about. You have got to have standing, or you can't come in here.

And again, I would point my friends to the fact that there is not always going to be liberal heads of agencies and liberal groups that come in and do consent decrees. And under the gentleman's amendment, if we adopt it, there could be a time when some radical, say, KKK group has the right administrator of an agency, and they enter into a consent decree, find the right judge, because you know you can find them -- they

will even sign warrants to let you get every phone record in America if you really look hard enough.

Chairman Goodlatte. Without objection, the Wall Street Journal article will be made a part of the record.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. Gohmert. Thank you.

So with the gentleman's amendment, those individuals that want to harm people's rights could enter into a consent decree and say this is all about preventing discrimination based on race, religion, national origin or other protected category, and prevent others from coming in, prevent it from having to be broadcast, prevent it from having to be published so people that really are affected don't know. So, again, the key here to preserve people's rights is transparency, because it is not always going to be the way --

Mr. Cohen. Would the gentleman yield?

Mr. Gohmert. Well, it is not my time.

Chairman Goodlatte. The gentleman from Iowa controls the time.

Mr. King. I yield back, Mr. Chairman.

Chairman Goodlatte. The gentleman yields back.

For what purpose does the gentleman from Georgia seek recognition?

Mr. Johnson. Move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Johnson. Thank you.

As I see it, Mr. Chairman, this is a very commonsense amendment that I rise in support of. What it would do, and what it does is inherently it recognizes the difference between the rights of a snail darter versus the rights of a human being living in America who would seek to exercise the precious right to vote. If there is any chance that this very broad statute that my friend from Georgia Mr. Collins

proposes, if there is any chance that it could be stretched so as to apply to a civil rights action, then it would seem to me that in prudence we would adopt the gentleman from Tennessee's amendment just to ensure that this act does not cover civil rights actions.

Mr. Watt. Would the gentleman yield?

Mr. Johnson. One second, please.

If you don't care whether or not this can be construed, this act can be construed, so as to apply to civil rights cases, then you would stand mute, or you would vote in opposition to Mr. Cohen's amendment. That is the simplicity of all of the complexity that we have been dealing with on this issue today. That is the central core issue.

Mr. Collins. Would my friend from Georgia yield?

Mr. Johnson. In just a minute.

Mr. Collins. Thank you.

Mr. Johnson. It is of high importance, particularly during these times, that we do everything to protect the rights of human beings and protect civil rights. And I want to commend Mr. Bachus for taking such courageous action. What he has done is gone against the hurricane of change that this legislation represents, and which is supported by powerful forces like the Koch brothers, and Americans for Prosperity, and the U.S. Chamber of Commerce. There is no doubt that those entities are in support of this legislation.

If you care about civil rights as opposed to the rights of businesses to dump on snail darters, if you care about civil rights, then you would be serious about Mr. Cohen's amendment; and if you don't

care, then stand mute and vote against it. Mr. Bachus is such a courageous individual who would stand up to those winds at his own peril. That is just great human courage and consciousness, and I commend him.

I will yield to my friend from North Carolina.

Mr. Watt. Thank you.

Let me just take issue with the chairman's proposition here that this bill is not going to have any impact on civil rights. He directed us to section 2, the definitions. This bill is limited to agency and agency actions as they are defined in section 551 of title 5. And then sometimes you just have to go and read what section 551 of title 5 says. An agency means each authority of the government of the United States, whether or not it is within or subject to review by another agency. And then there are some exceptions, none of which seem to apply -- would apply to this bill. And an agency action includes the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent, or denial thereof, or failure to act.

I don't know how any actions of the Justice Department would not be included in this bill. I don't understand how the chairman is telling us that that this bill has some limited impact.

Mr. Johnson. Reclaiming my time --

Chairman Goodlatte. Without objection, the gentleman from Georgia is recognized for an additional 30 seconds.

Mr. Johnson. And I would yield to the gentleman from Virginia to answer the gentleman from North Carolina's inquiry, if he should

so choose. If not, I would yield to whoever it was on the other side of the aisle who asked.

Mr. Watt. I am asking the chairman of our committee how he thinks this bill would not apply, given the definitions.

Chairman Goodlatte. If the gentleman would yield, the gentleman from Georgia would yield --

Mr. Johnson. I yield.

Chairman Goodlatte. -- I do not believe that there would be instances where individuals would meet the standing requirements of the law in the overwhelming majority of civil rights cases brought before various government agencies.

Mr. Watt. Now we are now back to the overwhelming majority of them rather than all of them.

Chairman Goodlatte. Well, look, I have said to the gentleman at the outset that I believe that this is a positive improvement for civil rights laws. And while I don't agree with some of the characterizations about animal civil rights and so on that have been made now on both sides of the aisle, I will say that with regard to the civil rights of human beings, there are going to be different people in different regulatory agencies at different times, and having a consent decree that impacts a wider range of --

Mr. Watt. All right. My question --

Chairman Goodlatte. -- will benefit civil rights.

Mr. Watt. So my question to the chair, though, is this. My question to the chair is this. I mean, you represented, I

thought -- maybe I misunderstood you -- that this bill didn't apply to the civil rights because agencies --

Chairman Goodlatte. I did not --

Mr. Watt. -- agency and agency actions didn't cover any of these things. This covers the entire Department of Justice, any action that is --

Chairman Goodlatte. Correct. I have never represented that this bill would not cover civil rights. If it did, I would support the amendment. It does cover civil rights actions, but it doesn't cover the average case of an individual bringing an age discrimination case against someone through the EEOC unless the party --

Mr. Watt. Well, it does cover the EEOC also, Mr. Chairman. The EEOC is an agency. Agency means each authority of the government of the United States.

Chairman Goodlatte. Correct.

Mr. Watt. It covers the EEOC.

Chairman Goodlatte. But you still have to meet standing requirements.

Mr. Johnson. Mr. Chairman?

Chairman Goodlatte. Before we continue with the debate, the gentleman from Georgia's time has expired. There are other people seeking recognition. We are going to recess for lunch. I would like to know whether the folks seeking recognition wish to carry us beyond noon, and we will have a vote after lunch, or we will have a vote before lunch.

So how many Members are seeking recognition at this point in time?

I want to know whether you want to exercise your civil right of voting on this committee before or after lunch is basically the question.

Mr. Garcia. Mr. Chairman, if you want to break for lunch, and we will come back, and we will continue the debate after lunch --

Chairman Goodlatte. That is fine with me. I just want to know how many Members wish to seek recognition at this point in time without telling me whether we need to do that or not.

Mr. Garcia. I am going to try to speak. I think Ms. DelBene may --

Chairman Goodlatte. Are you the last person seeking recognition? Ms. DelBene as well? She is not.

Okay. The chair recognizes the gentleman from Florida for 5 minutes.

Mr. Garcia. Mr. Chairman, I want to recognize the gentleman from Alabama for his defense of what just makes common sense. You know, we are stepping into an area that I don't think the gentleman from Georgia wanted to go. And if we can avoid that, it makes sense.

But with that, Mr. Chairman, I would like to yield my time to the author of the amendment Mr. Cohen.

Mr. Cohen. Thank you, sir.

Firstly, what the judge suggested about a time when some right-wing Klans crowd takes over some government group, they are not going to get a consent decree. They are just going to do that voodoo

that they do so well. They are going to do their stuff. They don't want to get into the court system. And you may say, Judge, that you pick a judge? We get pretty good judges. And if we don't get them, because they come through the United States Senate for confirmation, there is appeals. And if you get some group that gets some consent decree, I don't think you are going to find a district judge, but if you do by some chance, you are not going to find an appellate court that is going to approve some racially, sexually oppressive, discriminatory consent decree. They are going to strike it down because it comes under strict scrutiny.

But the fact is those people don't want --

Mr. Gohmert. Would the gentleman yield?

Mr. Cohen. Not yet, sir. Just listen to my logic. Those people don't want to deal with the law. They want to violate the law. The way the law works now, and the way the law works is when the agencies aren't doing civil rights, groups have to come and sue them to get them to do it. If you don't want to do civil rights, and you want to discriminate, you are not going to want to get into the judicial system because that puts somebody that has power over you. If the evil people take over, they are just going to do that stuff. They are not going to come to a consent decree.

So I submit that is hooey. And this is about reality. They play basketball in Texas, they play basketball in Iowa, they play basketball around the country, and they say there is a case, no harm, no foul. If all of you all are saying this isn't about civil rights -- and I

believe it is not about civil rights, but it can be about civil rights, it is not intended -- then take the no harm, no foul rule like Mr. Bachus is suggesting; take the amendment, pass your bill and move on.

That is what this country sees as wrong here. We have debated for 2 hours over something all of you say is not what we want to do -- I know it is not what Mr. Collins wants to do -- but Mr. Watt and others have shown it can do. So let us accept the amendment and move on. These are suspect classes, and we don't want to go into an area and open up a box that we don't know what is going to come out of it.

And I yield to the gentleman from Texas.

Mr. Gohmert. But I still come back to since the amendment requires publishing, requires the public to have notice, why would the gentleman not want people whose rights will be affected, who would have standing, who would be materially affected, their civil rights would be affected, why would you not want them to get notice and allow it to be some secret decree when --

Mr. Cohen. They are not secret decrees. Decrees are public now. Regulatory groups have to publish. And they publish, and they have notice, and they have public hearings. There is not secret decrees right now.

Mr. Gohmert. That is not what this is about. This is about lawsuits where an agency agrees in advance with the suing party that they will put together -- they have a decree ready to go, they file suit, they agree to it, they get the judge to sign because the parties on both sides agree, and all of a sudden you have got a judgment that

takes away people's rights, and they didn't have any notice.

This just gives them notice about it before the judgment is signed by the judge. It is not about regulatory action by -- this is when an agency and some litigant agree and have consent decrees, and people's rights are affected, and they don't even know. That is all this is doing is giving them notice.

And I yield back. Thank you.

Mr. Watt. Would Mr. Garcia yield?

Mr. Garcia. Yes, of course.

Mr. Watt. Just so I can make a unanimous consent request, since we are supposed to be basing this on the law. I am asking unanimous consent to put the definition of "agency" and "agency action" in the record.

Chairman Goodlatte. Without objection, the document held by the gentleman, I am not sure where it emanates from, will be made a part of the record.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. Watt. It came from the United States Code, Mr. Chairman.
Chairman Goodlatte. That would be a good source.

Mr. Watt. That would be a good source, yes. Not one that this committee looks at very much.

Mr. Garcia. Mr. Chairman, I yield to Ms. Jackson Lee.

Ms. Jackson Lee. Thank you, Mr. Garcia.

I just wanted to build on Mr. Gohmert's point. If all this legislation does is give notice, then what --

Chairman Goodlatte. The gentleman from Florida is recognized for an additional minute.

Ms. Jackson Lee. Thank you. Thank you.

If all the legislation does is give notice, as Mr. Gohmert has repeatedly said, then what is wrong with having language that exempts, potentially, affected parties in a consent decree that deals with civil rights? Because as I said, in many instances it is a hostile setting, and we need to protect those individuals that are protected by the consent decree. What is wrong with allowing his language to be in, as Mr. Bachus has indicated, to say to our constituents that we have found common ground specifically on their civil rights?

I thank the gentleman for yielding.

Chairman Goodlatte. Would the gentleman from Florida yield?

Mr. Garcia. Absolutely, Mr. Chairman.

Chairman Goodlatte. I thank the gentleman for yielding.

I would just say to the gentlewoman from Texas that those of us on this side of the aisle disagree with the amendment not because it

would protect civil rights, but because it would not protect civil rights; that this legislation will enhance the opportunity for parties, all parties, to be heard on matters that affect them. And for that reason I continue to believe that the amendment is not well founded.

Does the gentleman yield back?

Mr. Garcia. Yes, I do, Mr. Chairman.

Chairman Goodlatte. I note that there are Members who have intended to and wish to vote on this amendment who are no longer with us, who have left for other obligations because they were told that this would be a noontime recess. So the committee will stand in recess until 1:00 p.m., at which time we will take this back up, and we will vote on the amendment if the committee is ready to vote on it at that time.

[Recess.]

RPTS BINGHAM

DCMN HERZFELD

[3:15 p.m.]

Chairman Goodlatte. The committee will reconvene. We are considering an amendment offered by the gentleman from Tennessee to H.R. 1493. The question occurs on the amendment offered by the gentleman from Tennessee.

Mr. Conyers. Mr. Chairman.

Chairman Goodlatte. For what purpose does the gentleman from Michigan seek recognition?

Mr. Conyers. Could we just determine whether there are other Members that might want to speak on the amendment?

Chairman Goodlatte. Sure. Are there other Members? We would be happy to recognize them.

For what purpose does the gentleman from New York seek recognition?

Mr. Jeffries. I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Jeffries. Let me just echo the sentiments of my colleagues which have been uttered earlier today in support of the amendment by Mr. Cohen. I think several reasonable points have been made related to the significance of civil rights in the area of making sure that we protect people of color, people of all races, regardless of the category that they may fall into, but certainly those who have endured a history of discrimination in America, as well as people who fall into

the category of those with physical disabilities, people who may be discriminated against on the basis of their age or their gender.

As the Supreme Court has recognized, as the gentleman from Tennessee has noted, these are individuals who fall within a particularly vulnerable category. That is why the Supreme Court in its jurisprudence has consistently said these are claims that should be subjected to the strictest scrutiny as well as the utmost constitutional protection. And if, as several Members on the other side have indicated, the intent of this legislation is not to impede the forward progress as it relates to equal protection under the law for everyone, then it is just not clear why there is rigid opposition to supporting this amendment.

Let me also thank the distinguished gentleman from Alabama for his eloquence and his commonsense observation that we should simply just take this issue off of the table.

As the gentleman from North Carolina has pointed out, it doesn't appear, based on any review of this bill, that civil rights matters or consent decrees would in any way be exempted from language that can be pointed to in this bill. References were made earlier today to the Constitution, but there is nothing in the Constitution that any of us can see that would provide any particular shield as it relates to the manner in which this bill could adversely impact civil rights. And so I want to join my other colleague in supporting the urging of the adoption of this amendment.

Mr. Conyers. Would the gentleman yield?

Mr. Jeffries. Yes I will.

Mr. Conyers. I thank you, and I commend you for your observations. I think the Cohen amendment, which would exempt from the bill any consent decree or settlement agreement concerning a rule protecting civil rights, is one that we have properly examined, and I think that many of my colleagues have come to the conclusion that consent decrees have been instrumental in enforcing various civil rights statutes in a wide variety of cases starting with the Voting Rights Act of 1965.

And I am glad that you mentioned the gentleman from Alabama. One of the very famous people from his State came to my city, Rosa Parks, and I was delighted that she joined me in my campaign and later became the first member of my congressional staff that I brought to Detroit to work on my constituent matters.

And so this is important. Weighing down the Department of Justice or any other agencies with all of these busybody requirements that are really only designed to slow down the effectiveness of the particular agency or department is totally unjustified, and so I join with those thoughtful discussions that have occurred in most parts of the earlier hearing that make it clear that we do not want to saddle our departments and agencies, particularly the ones that are dealing with discrimination in the voter rights areas, because of a desire to slow down activity among these agencies. Some of these agencies are moving too slowly now. To give them more hoops to jump through is certainly no way to deal with running an effective Federal Government.

So I thank the gentleman, and I yield back.

Mr. Jeffries. Well, thank you.

I yield back the balance of my time.

Chairman Goodlatte. The chair is ready to call for a vote.

All those in favor of the amendment offered by the gentleman from Tennessee, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it.

Mr. Conyers. Can we get a record vote?

Chairman Goodlatte. A recorded vote is requested, and the clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Mr. Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

[No response.]

Ms. Deterding. Mr. Chabot?

Mr. Chabot. No.

Ms. Deterding. Mr. Chabot votes no.

Mr. Bachus?

Mr. Bachus. Yes.

Ms. Deterding. Mr. Bachus votes aye.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

Mr. Forbes. No.

Ms. Deterding. Mr. Forbes votes no.

Mr. King?

Mr. King. No.

Ms. Deterding. Mr. King votes no.

Mr. Franks?

Mr. Franks. No.

Ms. Deterding. Mr. Franks votes no.

Mr. Gohmert?

[No response.]

Ms. Deterding. Mr. Jordan?

[No response.]

Ms. Deterding. Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

Mr. Chaffetz. No.

Ms. Deterding. Mr. Chaffetz votes no.

Mr. Marino?

Mr. Marino. No.

Ms. Deterding. Mr. Marino votes no.

Mr. Gowdy?

Mr. Gowdy. No.

Ms. Deterding. Mr. Gowdy votes no.

Mr. Amodei?

[No response.]

Ms. Deterding. Mr. Labrador?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Mr. Farenthold?

Mr. Farenthold. No.

Ms. Deterding. Mr. Farenthold votes no.

Mr. Holding?

Mr. Holding. No.

Ms. Deterding. Mr. Holding votes no.

Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Deterding. Mr. Conyers votes aye.

Mr. Nadler?

[No response.]

Ms. Deterding. Mr. Scott?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Mr. Watt?

Mr. Watt. Aye.

Ms. Deterding. Mr. Watt votes aye.

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Deterding. Ms. Lofgren votes aye.

Ms. Jackson Lee?

Ms. Jackson Lee. Aye.

Ms. Deterding. Ms. Jackson Lee votes aye.

Mr. Cohen?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

Ms. Deterding. Mr. Johnson votes aye.

Mr. Pierluisi?

[No response.]

Ms. Deterding. Ms. Chu?

Ms. Chu. Aye.

Ms. Deterding. Ms. Chu votes aye.

Mr. Deutch?

[No response.]

Ms. Deterding. Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

Ms. Bass. Aye.

Ms. Deterding. Ms. Bass votes aye.

Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

Mr. Garcia. Aye.

Ms. Deterding. Mr. Garcia votes aye.

Mr. Jeffries?

Mr. Jeffries. Aye.

Ms. Deterding. Mr. Jeffries votes aye.

Chairman Goodlatte. The gentleman from California?

Mr. Issa. I vote no.

Ms. Deterding. Mr. Issa votes no.

Chairman Goodlatte. Are there further Members who wish to be recorded?

The clerk will report.

The gentleman from Texas.

Mr. Smith of Texas. No.

Ms. Deterding. Mr. Smith of Texas votes no.

Chairman Goodlatte. The clerk will report.

Mr. Johnson. Mr. Chairman, how am I recorded, may I ask?

Chairman Goodlatte. You are recorded as an aye.

Mr. Johnson. I am recorded as an aye? Are you sure?

Chairman Goodlatte. I have it on good authority.

Clerk will report.

The Clerk. Mr. Chairman, 13 Members voted aye, 16 Members voted nay.

Chairman Goodlatte. And the amendment is not agreed to.

Are there further amendments to H.R. 1493?

For what purpose does the gentlewoman from Texas seek recognition?

Ms. Jackson Lee. Mr. Chairman, I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

The Clerk. Amendment to H.R. 1493, offered by Ms. Jackson Lee of Texas.

[The amendment of Ms. Jackson Lee follows:]

***** INSERT 3-1 *****

The Chairman. Without objection, the amendment will be considered as read, and the gentlewoman is recognized for 5 minutes to explain her amendment.

Ms. Jackson Lee. Mr. Chairman, thank you very much, and to my colleagues thank you for vigorous, vigorous discussion.

My amendment seeks to indicate that there is an additional need for an exception on the question pertaining to the reduction of illness or death from exposure to toxic substances or hazardous waste particularly in minority and low-income communities.

I think we know well that in many areas in America, low-income communities in particular of any race, that they sometimes fall victim to more toxic substances or hazardous waste because of the economics of their life and as well the area in which they live.

The reason today that we can take for granted clean air and drinking water and nontoxic soil is because we have had environmental regulation. As I cited, and Mr. Barrett, who was in both George H.W. Bush and Reagan administration, said, that it is a straw man to criticize regulation. And, in fact, it is important to note, as I said earlier, that in instances dealing with very sensitive areas where there is not a desire to fix the problem, sometimes a consent decree has parties that are unwilling.

Environmental hazards are particularly acute in low-income and minority communities. President Clinton recognized the particularly high risk of environmental hazards in low-income and minority communities when he issued Executive Order 12898 in 1994, which

directed Federal agencies to take certain steps to address the question of environmental justice. The U.S. Commission on Civil Rights 2002 study of and report on the implementation of Executive Order found that four Federal agencies had failed to address this question. So we know that it is an ongoing issue.

And I believe it is important, again, to emphasize the importance of protecting those engaged in these consent orders that may, in fact, be the victims. So I would ask my colleagues to support the amendment, which, again, is recognizing that there are some areas for protection that need exempting. And I also ask unanimous consent to put into the record Executive Order 12898 of February 11, 1994, and ask unanimous consent.

The Chairman. Without objection, that will be made a part of the record.

[The information follows:]

***** COMMITTEE INSERT *****

Ms. Jackson Lee. Thank you.

And the individual that I mentioned that I did say, Mr. Bruce Bartlett, but at this time I yield my time and ask colleagues to support the amendment.

Chairman Goodlatte. The chair thanks the gentlewoman.

For what purpose does the gentleman from Georgia seek recognition?

Mr. Collins. Strike the last word, Mr. Chairman.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Collins. Thank you, Mr. Chairman, I appreciate that, and also I appreciate the gentlelady from Texas and her intent of her amendment. I agree, as I will speak here in just a moment, to the concern that we both have for clean water, clean air and an environment that is healthy.

But I do oppose this amendment. This amendment seeks to hide the deals of the consent decrees and settlement agreements about toxic substance and hazardous waste regulations from the bill's protection, and that is just something that I do not support.

I understand that that my colleague seeks to protect individuals in poor and minority communities that may benefit from the rules, but who can say that the deals negotiated by special-interest groups, often from outside these communities, will be sure to work in those communities' best interests?

Just this month, the Regulatory Reform Subcommittee on which I sit heard testimony that new environmental regulations can impose

regressive, negative cost impacts on poor and vulnerable populations. That can happen notwithstanding the best intentions of an outside interest group.

Deals that advance only one interest group's views threaten all Americans who are concerned about toxic substances and hazardous waste. The bill provides important transparency and scrutiny to assure that the public interest is best protected in this and all areas.

It is, as the gentlelady said, the straw man to say and to attack all regulations. I am not a Republican who believes that all regulations ought to be done away with. In fact, I believe there is a proper role in regulations, and there is a proper role for government. I just believe that what this bill does is actually provides transparency and openness to a process that actually does help all communities, and I believe this is what this bill does, and that is why I would urge my colleagues to oppose this amendment.

Mr. Chairman, I yield back.

Chairman Goodlatte. The chair thanks the gentleman.

The question occurs --

Mr. Conyers. Mr. Chairman.

Chairman Goodlatte. For what purpose does the gentleman from Michigan seek recognition?

Mr. Conyers. I rise in support of the amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Conyers. The idea of us exempting from the bill a settlement concerning a potential ruling by -- involving environmental justice

in low-income minority communities is a very important consideration that I believe is marked historically by the recognition of the fact that for decades, if not longer, we have seen that in the inner cities, in communities that have a greater number of African Americans or Hispanic or other minorities, we find that the conditions, the living conditions, the housing, the safety, but the environmental justice in low-income minority communities is atrocious. And so now to saddle these folks with an even greater burden of a number of hoops that have to be crossed to make this bill become meaningful is one that even furthers the challenge of getting clean air or drinkable water or nontoxic soil. And this kind of environmental regulation that would be saddled by these additional requirements in this bill would only make the circumstances of low-income and minority communities -- leave them in a more desperate position.

And for that reason it seems to me that we have extra concern -- and I thank the gentlelady from Texas -- in terms of realizing that in these communities, guess what? They exist in almost every urban area in the country. This isn't something that is located on the east coast or down South or out West, everywhere; that this consideration of leaving our departments to do the best that they can, we need more strong environmental regulation, not more complications, not more red tape, not more bureaucracy, not more domination of a people who are having a hard enough time.

We are talking about the least of these in our community. We are talking about people who are not high in the economic area. And it

is in that spirit, and it is in that sense of fair play that environmental justice becomes more important than ever. And so what do we get? We get a proposal, let us make it tougher. Let us make it more complicated. Let us make it more difficult for them to get the kind of protection that is so necessary for people in any community to survive.

And so I am proud to join our colleague Sheila Jackson Lee in this very meaningful amendment and urge its fair consideration among all of the Members.

Ms. Jackson Lee. Would the gentleman yield?

Mr. Conyers. I would be pleased to yield.

Ms. Jackson Lee. Mr. Chairman, building on your very pointed statement, I think all of us in our respective districts have had exposure to those communities who have been victims, Superfund, any number of issues dealing with toxicity. Houston has been impacted by clean air issues. But we have been able to fix it.

And so the tragedy of this question, and the reason why I believe this should be an exemption, is because the use of consent decrees and settlement agreements are -- in fact, if you discourage them, you are encouraging costly and protracted litigation over ambiguous and ill-defined terms, imposing unduly burdensome procedure requirements, and you are also -- as I started out this debate when Mr. Cohen's amendment was before us, you have a situation of victims, and you are going to burden them by exposure on the grounds of transparency, but it really is a grounds of undermining.

And so I ask my colleagues to support it on the seriousness of illness, toxicity, and the environmental impact that we have been able to overcome in some instances as they impact low-income and minority communities.

I would ask my colleagues to vote yes on the Jackson Lee amendment.

I yield back.

Chairman Goodlatte. The time of the gentleman has expired. The question occurs -- for what purpose does the gentleman from North Carolina seek recognition?

Mr. Holding. I withdraw my request to seek recognition.

Chairman Goodlatte. The question occurs on the amendment offered by the gentlewoman from Texas.

All those in favor, signify by saying aye.

Those opposed, no.

In the opinion of the chair the noes have it. The amendment is not agreed to.

Ms. Jackson Lee. Roll call, please.

Chairman Goodlatte. A roll call vote is requested. The clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

Mr. Smith of Texas. No.

Ms. Deterding. Mr. Smith of Texas votes no.

Mr. Chabot?

Mr. Chabot. No.

Ms. Deterding. Mr. Chabot votes no.

Mr. Bachus?

Mr. Bachus. No.

Ms. Deterding. Mr. Bachus votes no.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

Mr. Forbes. No.

Ms. Deterding. Mr. Forbes votes no.

Mr. King?

Mr. King. No.

Ms. Deterding. Mr. King votes no.

Mr. Franks?

Mr. Franks. No.

Ms. Deterding. Mr. Franks votes no.

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Deterding. Mr. Gohmert votes no.

Mr. Jordan?

Mr. Jordan. No.

Ms. Deterding. Mr. Jordan votes no.

Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

Mr. Chaffetz. No.

Ms. Deterding. Mr. Chaffetz votes no.

Mr. Marino?

Mr. Marino. No.

Ms. Deterding. Mr. Marino votes no.

Mr. Gowdy?

Mr. Gowdy. No.

Ms. Deterding. Mr. Gowdy votes no.

Mr. Amodei?

[No response.]

Ms. Deterding. Mr. Labrador?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Mr. Farenthold?

[No response.]

Ms. Deterding. Mr. Holding?

Mr. Holding. No.

Ms. Deterding. Mr. Holding votes no.

Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Deterding. Mr. Conyers votes aye.

Mr. Nadler?

[No response.]

Ms. Deterding. Mr. Scott?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Mr. Watt?

Mr. Watt. Aye.

Ms. Deterding. Mr. Watt votes aye.

Ms. Lofgren?

[No response.]

Ms. Deterding. Ms. Jackson Lee?

Ms. Jackson Lee. Aye.

Ms. Deterding. Ms. Jackson Lee votes aye.

Mr. Cohen?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

Ms. Deterding. Mr. Johnson votes aye.

Mr. Pierluisi?

[No response.]

Ms. Deterding. Ms. Chu?

[No response.]

Ms. Deterding. Mr. Deutch?

[No response.]

Ms. Deterding. Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

[No response.]

Ms. Deterding. Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

Mr. Garcia. Aye.

Ms. Deterding. Mr. Garcia votes aye.

Mr. Jeffries?

Mr. Jeffries. Aye.

Ms. Deterding. Mr. Jeffries votes aye.

Chairman Goodlatte. The clerk will report.

Ms. Jackson Lee. Mr. Chairman, how am I recorded?

Chairman Goodlatte. We will ask the clerk.

The Clerk. Ms. Jackson Lee votes aye.

Chairman Goodlatte. Clerk will report.

Mr. Johnson. Mr. Chairman, how am I recorded, please?

The Clerk. Mr. Johnson votes aye.

Mr. Johnson. Thank you.

The Clerk. Mr. Chairman, 9 Members voted aye, 17 Members voted nay.

Chairman Goodlatte. And the amendment is not agreed to.

Are there further amendments to H.R. 1493?

For what purpose does the gentleman from North Carolina seek recognition?

Mr. Watt. Mr. Chairman, I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

The Clerk. Amendment to H.R. 1493, offered by Mr. Watt of North Carolina. Page 4, strike line --

[The amendment of Mr. Watt follows:]

***** INSERT 3-2 *****

Chairman Goodlatte. Without objection, the amendment will be considered as read, and the gentleman is recognized for 5 minutes to explain his amendment.

Mr. Watt. Thank you, Mr. Chairman.

Chairman Goodlatte. We have a Johnson amendment here. I think --

Mr. Watt. I assume that is not the one you want me to debate. I will let Mr. Johnson debate his own amendment.

Chairman Goodlatte. I think the gentleman -- we have the right amendment and --

Mr. Watt. I don't think the clerk has designated this amendment yet, though, Mr. Chairman.

Chairman Goodlatte. Have you designated the Watt amendment, "Page 4, strike lines 15" -- she has. So you are --

Mr. Watt. Oh, she had the right one.

Chairman Goodlatte. She had the right one, we did not, and we are all set now.

And you are recognized for 5 minutes.

Mr. Watt. Thank you, Mr. Chairman.

I assume that the chairman is correct that this is all about standing, and that although I never understood that there was anything in the Constitution about standing, that there is something in the Constitution about standing, if there is, it seems to me that the language that I am proposing to strike at the bottom of page 4, lines 15 through 24, interrupts a long, long line of cases related to standing

by changing the presumption of who has standing to change the burden of proof on that issue, and I am not quite sure why we are doing that.

Proving a negative is sometimes a lot more difficult if the presumption is stacked against you. Let us assume that I am from North Carolina, and I assert that, as Judge Gohmert indicated this morning, I have some interest in whatever that animal was that he was talking about this morning because I intend to go to Texas at some point and hunt for that animal. If I am presumed to have standing, it is going to be a lot more difficult for Mr. Gohmert to overcome that presumption than it would be if the facts were the same and there were no presumption, as there is not in any other relevant part of the law.

So I think this bill, in addition to being -- to creating a class of people throughout the whole universe of affected people who can come in and intervene in a lawsuit, or intervene in a hearing, or have standing to be independently represented separate from the people who are representing the other parties in the case is creating a real nightmare for the courts and for the administration of this bill.

So all I am doing here is just striking the presumption that -- the rebuttable presumption -- because I just think you have already created a problem by creating a class of affected persons that shouldn't be in the lawsuit in the first place, and then you are rubbing salt in the wound by creating a rebuttable presumption that those people have a special interest in the case and have the right to have independent counsel separate from the counsel who are already in the case.

So this, for me, is just an unnecessary provision, and I am not

sure, maybe somebody can explain to me, why you want to change the longstanding neutrality of who has standing to raise, or who has a presumption or doesn't have a presumption. But maybe I just don't understand it, and maybe Mr. Collins maybe will explain that to me. But in the absence of that, I think the language at the bottom of page 4 should be stricken, and I would ask my colleagues to join me in striking it.

I yield back.

Chairman Goodlatte. Chair thanks the gentleman.

For what purpose does the gentleman from Georgia seek recognition?

Mr. Collins. Strike the last word, Mr. Chairman.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Collins. I rise just to oppose the amendment. The amendment would strike the provision that provides nothing more than basic fairness. The provision at issue merely ensures parties will have an opportunity to weigh in on settlements that could affect their right.

This bill is narrowly tailored to situations where a party seeking to intervene clearly has an interest in litigation, and the only question is whether those interests are adequately represented by other parties already before the court. It does not open up litigation to intervention by a host of outside parties. Any party seeking intervention must have constitutional standing and must already have an interest. The only question is whether that interest should be the standing of this case. And I think that is the language, and I think

that is the fairness issue here of those being able to participate in this process.

And I would urge my colleagues to oppose the amendment, and I yield back.

Chairman Goodlatte. The question occurs on the amendment offered by the gentleman from North Carolina.

All those in favor, signify by saying aye.

Opposed, no.

In the opinion of the chair, the noes have it, and the amendment is not agreed to.

Mr. Watt. I request a recorded quote.

Chairman Goodlatte. A recorded vote is requested, and the clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

Mr. Smith of Texas. No.

Ms. Deterding. Mr. Smith of Texas votes no.

Mr. Chabot?

Mr. Chabot. No.

Ms. Deterding. Mr. Chabot votes no.

Mr. Bachus?

Mr. Bachus. No.

Ms. Deterding. Mr. Bachus votes no.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

Mr. Forbes. No.

Ms. Deterding. Mr. Forbes votes no.

Mr. King?

Mr. King. No.

Ms. Deterding. Mr. King votes no.

Mr. Franks?

Mr. Franks. No.

Ms. Deterding. Mr. Franks votes no.

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Deterding. Mr. Gohmert votes no.

Mr. Jordan?

Mr. Jordan. No.

Ms. Deterding. Mr. Jordan votes no.

Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

[No response.]

Ms. Deterding. Mr. Marino?

[No response.]

Ms. Deterding. Mr. Gowdy?

Mr. Gowdy. No.

Ms. Deterding. Mr. Gowdy votes no.

Mr. Amodei?

[No response.]

Ms. Deterding. Mr. Labrador?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Mr. Farenthold?

Mr. Farenthold. No.

Ms. Deterding. Mr. Farenthold votes no.

Mr. Holding?

Mr. Holding. No.

Ms. Deterding. Mr. Holding votes no.

Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Deterding. Mr. Conyers votes aye.

Mr. Nadler?

[No response.]

Ms. Deterding. Mr. Scott?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Mr. Watt?

Mr. Watt. Aye.

Ms. Deterding. Mr. Watt votes aye.

Ms. Lofgren?

[No response.]

Ms. Deterding. Ms. Jackson Lee?

[No response.]

Ms. Deterding. Mr. Cohen?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

Ms. Deterding. Mr. Johnson votes aye.

Mr. Pierluisi?

Mr. Pierluisi. Aye.

Ms. Deterding. Mr. Pierluisi votes aye.

Ms. Chu?

Ms. Chu. Aye.

Ms. Deterding. Ms. Chu votes aye.

Mr. Deutch?

[No response.]

Ms. Deterding. Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

[No response.]

Ms. Deterding. Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

[No response.]

Ms. Deterding. Mr. Jeffries?

Mr. Jeffries. Aye.

Ms. Deterding. Mr. Jeffries votes aye.

Chairman Goodlatte. The gentleman from Pennsylvania?

Mr. Marino. No.

Ms. Deterding. Mr. Marino votes no.

Chairman Goodlatte. The gentlewoman from California?

Ms. Bass. Aye.

Ms. Deterding. Ms. Bass votes aye.

Chairman Goodlatte. Are there other Members who wish to vote who

have not voted?

The gentleman from Florida.

Mr. Garcia. Aye.

Ms. Deterding. Mr. Garcia votes aye.

Chairman Goodlatte. Clerk will report.

Ms. Deterding. Mr. Chairman, 11 Members voted aye, 17 Members voted nay.

Chairman Goodlatte. And the amendment is not agreed to.

Are there further amendments to H.R. 1493?

Mr. Johnson. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment offered by the gentleman from Georgia.

Ms. Deterding. Amendment to H.R. 1493, offered by Mr. Johnson of Georgia. Page 3 --

[The amendment of Mr. Johnson follows:]

***** INSERT 3-3 *****

Chairman Goodlatte. Without objection, the amendment will be considered as read, and the gentleman is recognized for 5 minutes on his amendment.

Mr. Johnson. Thank you, Mr. Chairman.

My amendment would exclude consent decrees or settlement agreements that would create jobs. Consent decrees and settlement agreements help ensure that agencies take necessary action by a certain date. This bill would slow down the process for entering consent decrees and settlement agreements.

I have serious issues with this bill. In the name of growing the economy and creating jobs, this bill would prevent the implementation of Federal regulatory actions even where they create jobs. There is no need to fast-track a bill that could have such a detrimental effect on our economy.

The majority presupposes that regulatory actions are economically harmful despite ample evidence from leading bipartisan and nonpartisan reports that have found the opposite. To the contrary, regulatory actions save lives and can even promote job growth. Indeed, America's economic health and prosperity go hand in hand with productive and sustainable policies. But the House Republican leadership continues to bulldoze its deregulatory agenda through Congress despite the dozens of hearings and substantial congressional record demonstrating the debunked link between economic growth and deregulation.

The majority continues to rely upon studies that are partisan or

have been debunked, and overlooks the public benefits associated with regulation. If the House Republican leadership were truly concerned with growing the economy, creating jobs and protecting American competitiveness, we would have come together with a grand bargain of increased revenues and spending cuts to address the government's long-term budget deficits, and we would have prevented sequestration a long time ago. But because this body failed to prevent the sequestration, American workers continue to face hurdles to providing for their families.

The effect of the mindless austerity known as sequestration on my home State of Georgia is of grave concern. These effects are very real and have had a seismic impact on my State this past month alone. This month furloughs began for most civilian Defense Department employees at Robins Air Force Base and other military bases across Georgia. This won't just affect the hardworking people at the bases, like firefighters and teachers, it will also have a substantial impact on the local economies.

As Retired General Robert McMahon reported, the furloughs beginning this week will take \$50 million out of the local economies around these bases. Multiply this across the military bases in Georgia and throughout the country, and you begin to understand the truly caustic effects of sequestration on small businesses and on the economy.

Perhaps those who question the effects of sequestration should visit a military base. They could speak with the firefighters who

worry about whether they have the personnel to safeguard the families on base, let alone to respond to a catastrophic attack or fire. They could also speak with teachers who worry about the effects of shorter school days or shorter school weeks and increased student-teacher ratios. But instead of working together to come to a bipartisan solution to the sequestration, this Congress is continuing an agenda to make life worse for American families.

I would hope that my friends on both sides of the aisle would have a desire to improve the economy and take actions to foster job growth. I urge all of my colleagues to support this amendment to promote job creation.

Thank you, Mr. Chairman, and I yield back.

RPTS JOHNSON

DCMN HOFSTAD

[3:57 p.m.]

Chairman Goodlatte. The chair thanks the gentleman.

For what purpose does the gentleman from Georgia seek recognition?

Mr. Collins. To strike the last word, Mr. Chairman.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Collins. I appreciate my colleague from Georgia and share his concerns about job growth, and I believe in the economy growing. However, I oppose this amendment.

Again, I think this amendment, again, goes against the very grain of what this bill is attempting to do, and that is the amendment seeks to lessen transparency and public participation and judicial review for consent decrees and settlement agreements for regulations that will allegedly help create jobs. This is backwards. We need more input, we need more transparency into this so that we can produce regulations that do create more jobs and not less.

And that is particularly true for public input from job creators who must live under the new regulations and can help the rules to actually work without killing jobs. In fact, what has happened in the subcommittees, as we have went through this, job creators and job business owners have actually talked about the job losses that are associated many times with consent decrees.

But, also, there was an example from our home State, and actually

from just north of Atlanta, DeKalb County, that I think this bill actually addresses and helps. Because DeKalb County and the EPA entered into a consent agreement just a couple of years ago on the sewer issue down there. And what actually happened was, from what the stakeholders and environmental groups in DeKalb County actually came back and said, they felt it was a slap on the wrist for DeKalb County, and they very much complained.

What this bill would actually do is bring those folks to the table to start with. Instead of having this process in which they were left out of a consent decree, this bill actually does that by providing them input by the publication notice as we go forward.

So I appreciate the gentleman's amendment. I oppose this amendment. But I think this bill precisely is what we need to put more people involved so we can create jobs and can create regulations that do work. Contrary to popular opinion, we are all looking for safer, healthier places for our families to grow up. And I think the example out of Georgia provides a great example of why we need this provision and why we need more input into this process.

And, with that --

Mr. Johnson. Would the gentleman yield?

Mr. Collins. -- Mr. Chairman, I yield back.

Mr. Johnson. Would the gentleman yield?

Mr. Collins. I have already yielded back, but I will yield.

Chairman Goodlatte. The gentleman yields.

Mr. Johnson. Mr. Chairman, thank you.

With respect to the DeKalb County case that you referred to, the people who complained about the consent order --

Mr. Collins. Yes.

Mr. Johnson. -- were citizens, and --

Mr. Collins. Right.

Mr. Johnson. -- they were duly represented by the plaintiffs. Their interests were represented by the plaintiffs in that action.

Mr. Collins. Well --

Mr. Johnson. And you are always going to have some disenchantment.

But I will tell you, there is no connection between deregulation and economic growth. Can you cite to me some study that is not funded by the Koch brothers that would support --

Mr. Collins. Mr. Johnson, I want to just stop right here, because this is the most -- numerous times in which you, in discussion of this bill, have brought up the Koch brothers and on other occasions have basically implied my intent in a situation of which I was providing a bill or carrying a bill on behalf of others. And, at this point, I would like at least to say, that is something that is challenging the intent and integrity of me offering a bill, and would ask that at this point that that be withdrawn.

Mr. Johnson. Yeah, I would -- my response is that --

Mr. Collins. Unless you know why I am offering a bill, then you cannot -- again, this has carried on, and I apologize for now, but this has carried on from previous hearings.

Mr. Johnson. There are certain factual allegations that I make which are supported by what I believe to be sufficient evidence. Now, when I --

Mr. Collins. Are you getting ready to accuse me of carrying a bill?

Mr. Johnson. -- when I have letters from the Americans for Prosperity, which is a Koch-funded outfit, when I have letters in support of your legislation from the Chamber of Commerce, the U.S. Chamber of Commerce, which is heavily influenced by Koch Industries and affiliated personnel, when I see ALEC-drafted legislation, as I have in the past, that is produced --

Chairman Goodlatte. The gentleman --

Mr. Johnson. -- on the other side of the aisle --

Chairman Goodlatte. The gentleman will suspend.

The chair would advise the gentleman that it is not appropriate, under the rules of the House, to impugn the motivations of other Members with regard to --

Mr. Johnson. Well --

Chairman Goodlatte. -- their purpose of introducing legislation.

Mr. Johnson. Mr. Chairman, I am not in any way impugning anyone.

Chairman Goodlatte. The chair is pleased to hear that.

Mr. Johnson. I am just simply pointing out facts that I have a reasonable basis to interject into these conversations. And I think it is important that the American people --

Chairman Goodlatte. The time belongs to the gentleman from Georgia.

Mr. Collins. I think at this point in time the gentleman, my colleague from Georgia, and I -- the situation in DeKalb County, which is reported in the AJC, where there were six environmental groups from DeKalb County that stepped in, that was the only reason for citing this, because I believe it could help, like it could have helped them, because I would like to see better regulations involved in that.

That was the reason that I brought this up, and I think it provides a very good case --

Mr. Johnson. Well, I am --

Mr. Collins. -- in which we could work together on.

Mr. Johnson. Certainly. I would like --

Mr. Collins. And, with that, I do yield back.

Mr. Johnson. I would like to work --

Chairman Goodlatte. The time of the gentleman has expired.

The chair would again caution Members not to impugn the motives of other Members.

Mr. Watt. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from North Carolina seek recognition?

Mr. Watt. I just wanted to -- I move to strike the last word, and I wanted to --

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Watt. Mr. Johnson made it clear that he wasn't impugning

anybody's -- I mean, I thought I heard him say that. So I wanted to --

Mr. Johnson. Would the gentleman yield?

Mr. Watt. -- make sure that whatever he was trying say, he got it into the record.

Mr. Johnson. Would the gentleman yield?

Mr. Watt. I don't have a dog in this fight, but I don't want him to be cut off because your time has expired, so --

Mr. Johnson. Would the gentleman yield?

Mr. Watt. I am happy to yield.

Mr. Johnson. Thank you. I appreciate it.

I certainly don't mean to impugn the character of those who would introduce and support legislation that I oppose simply because that legislation is also supported by interests that I oppose. I am not impugning their character, nor anyone else on this panel.

But I do think that it is a fact that should be brought out. We will let the American people decide whether or not the legislation that their Representatives are producing is, in fact, in their interests as opposed to some other interest.

So, with that, I would yield back to Mr. Watt.

Mr. Watt. And I yield back to the chair.

Chairman Goodlatte. The chair thanks the gentleman.

The question occurs on the amendment offered by the gentleman from Georgia, Mr. Johnson.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it. The amendment is not agreed to.

Mr. Johnson. I ask for a recorded vote.

Chairman Goodlatte. A recorded vote is requested. The clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

Mr. Smith of Texas. No.

Ms. Deterding. Mr. Smith of Texas votes no.

Mr. Chabot?

Mr. Chabot. No.

Ms. Deterding. Mr. Chabot votes no.

Mr. Bachus?

Mr. Bachus. No.

Ms. Deterding. Mr. Bachus votes no.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

Mr. Forbes. No.

Ms. Deterding. Mr. Forbes votes no.

Mr. King?

Mr. King. No.

Ms. Deterding. Mr. King votes no.

Mr. Franks?

Mr. Franks. No.

Ms. Deterding. Mr. Franks votes no.

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Deterding. Mr. Gohmert votes no.

Mr. Jordan?

Mr. Jordan. No.

Ms. Deterding. Mr. Jordan votes no.

Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

[No response.]

Ms. Deterding. Mr. Marino?

Mr. Marino. No.

Ms. Deterding. Mr. Marino votes no.

Mr. Gowdy?

Mr. Gowdy. No.

Ms. Deterding. Mr. Gowdy votes no.

Mr. Amodei?

[No response.]

Ms. Deterding. Mr. Labrador?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Mr. Farenthold?

[No response.]

Ms. Deterding. Mr. Holding?

Mr. Holding. No.

Ms. Deterding. Mr. Holding votes no.

Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

[No response.]

Ms. Deterding. Mr. Nadler?

[No response.]

Ms. Deterding. Mr. Scott?

[No response.]

Ms. Deterding. Mr. Watt?

Mr. Watt. Aye.

Ms. Deterding. Mr. Watt votes aye.

Ms. Lofgren?

[No response.]

Ms. Deterding. Ms. Jackson Lee?

Ms. Jackson Lee. Aye.

Ms. Deterding. Ms. Jackson Lee votes aye.

Mr. Cohen?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

Ms. Deterding. Mr. Johnson votes aye.

Mr. Pierluisi?

Mr. Pierluisi. Aye.

Ms. Deterding. Mr. Pierluisi votes aye.

Ms. Chu?

Ms. Chu. Aye.

Ms. Deterding. Ms. Chu votes aye.

Mr. Deutch?

[No response.]

Ms. Deterding. Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

[No response.]

Ms. Deterding. Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

[No response.]

Ms. Deterding. Mr. Jeffries?

Mr. Jeffries. Aye.

Ms. Deterding. Mr. Jeffries votes aye.

Chairman Goodlatte. The gentleman from Michigan?

Mr. Conyers. No -- oh, excuse me. Aye.

Ms. Deterding. Mr. Conyers votes aye.

Chairman Goodlatte. The gentleman from Virginia?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Chairman Goodlatte. The gentleman from Texas?

Mr. Farenthold. No.

Ms. Deterding. Mr. Farenthold votes no.

Chairman Goodlatte. The gentleman from Florida?

Mr. Garcia. Aye.

Ms. Deterding. Mr. Garcia votes aye.

Chairman Goodlatte. Has every Member voted who wishes to vote?

Ms. Jackson Lee. How am I recorded, Mr. Chairman?

Ms. Deterding. Ms. Jackson Lee votes aye.

Ms. Jackson Lee. Thank you.

Chairman Goodlatte. The clerk will report.

Ms. Deterding. Mr. Chairman, 11 Members voted aye, 17 Members voted nay.

Chairman Goodlatte. And the amendment is not agreed to.

Are there further amendments?

Ms. Jackson Lee. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentlewoman from Texas seek recognition?

Ms. Jackson Lee. For a unanimous consent. Mr. Chairman, I was unavoidably detained on the John Conyers amendment to H.R. 1493 and the Watt amendment to H.R. 1493. If I had been present, I would have voted aye. And I would ask unanimous consent that that be placed appropriately in the record.

Chairman Goodlatte. Your comments --

Ms. Jackson Lee. Aye on both -- I am sorry -- both Mr. Watt's and Mr. Conyers' amendments.

Chairman Goodlatte. Your comments have just been recorded into the record.

Ms. Jackson Lee. Thank you.

Chairman Goodlatte. A reporting quorum being present, the question is on the motion to report the bill, H.R. 1493, favorably to the House.

Those in favor will say aye.

Those opposed, no.

In the opinion of the chair, the ayes have it, and the bill is

ordered reported favorably.

Mr. Conyers. Record vote.

Chairman Goodlatte. A recorded vote is requested.

The clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. Aye.

Ms. Deterding. Mr. Goodlatte votes aye.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

Mr. Smith of Texas. Aye.

Ms. Deterding. Mr. Smith of Texas votes aye.

Mr. Chabot?

Mr. Chabot. Aye.

Ms. Deterding. Mr. Chabot votes aye.

Mr. Bachus?

Mr. Bachus. Aye.

Ms. Deterding. Mr. Bachus votes aye.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

Mr. Forbes. Aye.

Ms. Deterding. Mr. Forbes votes aye.

Mr. King?

Mr. King. Aye.

Ms. Deterding. Mr. King votes aye.

Mr. Franks?

Mr. Franks. Aye.

Ms. Deterding. Mr. Franks votes aye.

Mr. Gohmert?

Mr. Gohmert. Aye.

Ms. Deterding. Mr. Gohmert votes aye.

Mr. Jordan?

Mr. Jordan. Yes.

Ms. Deterding. Mr. Jordan votes aye.

Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

[No response.]

Ms. Deterding. Mr. Marino?

Mr. Marino. Yes.

Ms. Deterding. Mr. Marino votes aye.

Mr. Gowdy?

[No response.]

Ms. Deterding. Mr. Amodei?

[No response.]

Ms. Deterding. Mr. Labrador?

Mr. Labrador. Yes.

Ms. Deterding. Mr. Labrador votes aye.

Mr. Farenthold?

Mr. Farenthold. Aye.

Ms. Deterding. Mr. Farenthold votes aye.

Mr. Holding?

Mr. Holding. Aye.

Ms. Deterding. Mr. Holding votes aye.

Mr. Collins?

Mr. Collins. Aye.

Ms. Deterding. Mr. Collins votes aye.

Mr. DeSantis?

Mr. DeSantis. Aye.

Ms. Deterding. Mr. DeSantis votes aye.

Mr. Smith of Missouri?

Mr. Smith of Missouri. Aye.

Ms. Deterding. Mr. Smith of Missouri votes aye.

Mr. Conyers?

Mr. Conyers. No.

Ms. Deterding. Mr. Conyers votes no.

Mr. Nadler?

[No response.]

Ms. Deterding. Mr. Scott?

Mr. Scott. No.

Ms. Deterding. Mr. Scott votes no.

Mr. Watt?

[No response.]

Ms. Deterding. Ms. Lofgren?

Ms. Lofgren. No.

Ms. Deterding. Ms. Lofgren votes no.

Ms. Jackson Lee?

Ms. Jackson Lee. No.

Ms. Deterding. Ms. Jackson Lee votes no.

Mr. Cohen?

[No response.]

Ms. Deterding. Mr. Johnson?

Mr. Johnson. No.

Ms. Deterding. Mr. Johnson votes no.

Mr. Pierluisi?

Mr. Pierluisi. No.

Ms. Deterding. Mr. Pierluisi votes no.

Ms. Chu?

Ms. Chu. No.

Ms. Deterding. Ms. Chu votes no.

Mr. Deutch?

Mr. Deutch. No.

Ms. Deterding. Mr. Deutch votes no.

Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

[No response.]

Ms. Deterding. Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. No.

Ms. Deterding. Ms. DelBene votes no.

Mr. Garcia?

Mr. Garcia. No.

Ms. Deterding. Mr. Garcia votes no.

Mr. Jeffries?

Mr. Jeffries. No.

Ms. Deterding. Mr. Jeffries votes no.

Chairman Goodlatte. The gentleman from South Carolina?

Mr. Gowdy. Yes.

Ms. Deterding. Mr. Gowdy votes aye.

Mr. Cohen. Have we lost yet?

Chairman Goodlatte. The gentleman from Tennessee?

Mr. Cohen. No.

Ms. Deterding. Mr. Cohen votes no.

Chairman Goodlatte. The clerk will report.

Ms. Deterding. Mr. Chairman, 17 Members voted aye, 12 Members voted nay.

Chairman Goodlatte. And the bill is ordered reported favorably.

Members will have 2 days to submit views.

[The information follows:]

***** COMMITTEE INSERT *****

Chairman Goodlatte. Without objection, the bill will be reported as a single amendment in the nature of a substitute incorporating all adopted amendments, and staff is authorized to make technical and conforming changes.

Pursuant to notice, I now call up H.R. 2122 for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Deterding. H.R. 2122, to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

[The bill follows:]

***** INSERT 4-1 *****

Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any point.

And I will begin by recognizing myself for an opening statement.

For over 4 years since the great recession officially ended, America's workers and small businesses have waited for real recovery to take hold.

The latest signs that full recovery continues to elude us came in the June jobs report. The June report offered superficial reason to think good news might be growing: The number of jobs added to the economy grew slightly; the number of long-term unemployed fell; and the labor force participation rate grew by one-tenth of 1 percent. But over 4 years into nominal recovery, these signs of improvement are still far too weak.

What is worse, lurking beneath the surface, bad news continues to come. The June jobs report showed an increase of 240,000 in the number of discouraged workers, those who have simply quit looking for a job out of frustration or despair. The number of people working part-time but who really want full-time work passed 8.2 million. That represents a jump of 322,000 in just 1 month.

Worst of all, the truest measure of unemployment, the rate that includes both discouraged workers and those who cannot find a full-time job, continues to exceed 20 million Americans. And that rose from 13.8 percent back in May to 14.3 percent in June.

This continuing lag in recovery is distressing for all Americans. And the reason recovery has yet to fully arrive is all too easy to see.

Real historical economic growth rates are missing. They have been ever since the great recession.

Some say this is a new normal, a yearly growth rate on the order of 2 percent, in contrast to America's historically high growth rate. But a new normal of suppressed growth, lowered expectations, and more than 20 million Americans unemployed or underemployed is something America's workers and small businesses cannot accept and America's leaders must reject.

One of the biggest obstacles standing in the way of growth and job creation is the growing wall of Federal regulation being built in Washington. The Small Business Administration and the Competitive Enterprise Institute have both estimated that Federal regulations now cost our economy well over \$1 trillion per year. And the Obama administration is continuing to add historically high numbers of new major regulations.

This is progress in the wrong direction. As long as America's small businesses and manufacturers continue to tell us that a hostile regulatory environment is one of the biggest challenges they face, we must look for ways to reduce unnecessary regulatory burdens. Regulation surely has a role to play in ensuring public health, safety, and welfare, but there is no reason Americans need to choose between having regulation that keeps us safe and having economic growth that allows us to prosper.

That is why I reintroduced the Regulatory Accountability Act this Congress. It reforms the Administrative Procedures Act, the

constitution of Federal regulation, some of the most important regulatory reforms we can pass.

Simply put, the Administrative Procedures Act is out of date and encourages regulatory overreach and excessive regulatory costs. Enacted in 1946, it places only a handful of light regulations on the Federal rulemaking process. Congress wrote it long before anyone imagined the reach and expense of the modern regulatory state.

The APA does not require agencies to identify the costs of their regulation before they impose them. It does not require agencies to consider reasonable, lower-cost alternatives. The APA does not even require agencies to rely on the best reasonably obtainable evidence.

While the APA does require agencies to give notice of proposed rulemaking and receive public comment on its proposals, too often that is an after-the-fact exercise. Frequently, agencies predetermine the outcome of rulemakings, and notice and comment serves only to paper over the record.

The Regulatory Accountability Act fixes this problem by bringing the APA up to date. Under its provisions, agencies must better identify and assess the costs and benefits of regulatory alternatives, generally choose the lowest-cost alternative that meets statutory objectives, and adopt a costlier alternative only if it is needed to protect public health, safety, or welfare and has additional benefits that justify its additional costs.

The act also increases agency transparency and early public outreach, strengthens agency fact-finding, requires agencies to rely

on the best reasonably obtainable science, and strengthens judicial review.

The Regulatory Accountability Act contains commonsense reforms that have bipartisan support in both the House and the Senate. In large part, that is because so many of its provisions are modeled on the terms of Executive orders that Presidents Reagan, Clinton, Bush, and Obama have issued to compensate for the APA's weaknesses.

Over the past 3 decades, these bipartisan Executive orders have proved that the principles of the Regulatory Accountability Act work. But the Executive orders are not permanent, are not judicially enforceable, do not bind independent agencies, and are too often honored in the breach. Under the Regulatory Accountability Act, the principles of these orders will at last become binding law.

As a result, sound decisions that meet statutory objectives, while they respect the needs of workers and the economy, will be the order of the day, not the exception. American jobs, American growth, and American competitiveness will all be better for it. And I urge my colleagues to support the Regulatory Accountability Act.

And I now recognize our ranking member, the gentleman from Michigan, Mr. Conyers, for his opening statement.

Mr. Conyers. Thank you, Chairman Goodlatte.

We have just passed regulatory legislation that makes it very dangerous for the enforcement of voter rights regulations, and now we have another bill that has come up in another Congress called the Regulatory Accountability Act, which effectively will prevent some

agencies from issuing some regulations. And it is hard to rank which bills are more seriously flawed. But my greatest concern is the pernicious effect of this measure, H.R. 2122, will have on the public health, safety, and wellbeing of Americans.

Now, the ways in which it does this are numerous. First, most importantly, this proposal would override critical laws that prohibit agencies from considering costs when public health and safety are at stake. I think the chairman may have neglected to mention that in describing this measure. But these statutes include the Clean Air Act, the Clean Water Act, the Food and Drug Act, and the Occupational Safety and Health Act.

My colleagues, this measure is an endangerment to the health and safety and wellbeing of all Americans, anywhere they may be. And it will force agency officials, were it to become law, to ignore congressional directives in these statutes to not consider cost in issuing regulations enforcing the critical, lifesaving protections required by these laws.

Now, apparently the supporters of the bill believe that money should trump safety, a proposition that I adamantly oppose. And so I intend to offer an amendment undoing this provision, which is the most serious failing in the bill.

Even if accepted or if I succeed, the amendment will only make a very bad bill just a bad bill. And so the problem is that it, like its predecessor, imposes numerous procedural hurdles on the rulemaking process, a process that most experts agree is already overcrowded with

hoops and restrictions and requirements.

For instance, in this measure, it adds roughly 60 additional analytical requirements to the already substantial analytical process, which, of course, threatens paralysis by analysis. As our witness observed at the hearing on this bill earlier this month, it will greatly complicate the rulemaking process. But, of course, that is obviously what the intention is. This is not very complicated. It is done very overtly.

In addition, it requires formal rulemaking procedures for certain proposed regulations, a discredited process that virtually every administrative law expert has already soundly rejected. These professionals rightly reject these problematic provisions because they will unnecessarily delay the rulemaking process and, thereby, ultimately put more American citizens at risk.

And, finally, it is clear that H.R. 2122 is yet another attempt to give some business interests the opportunity to exert even greater influence over the rulemaking process and agencies. We already know that the power of these entities to influence agency rulemaking far exceeds that of public interest groups.

But, rather than levelling access to the playing field, the bill also will further tip the balance in favor of business interests by giving them multiple opportunities to intervene at various points in the rulemaking process, including through less deferential judicial review.

And, not surprisingly, the administration has issued a strongly

worded veto threat in the last Congress regarding a bill substantively identical to H.R. 2122. The administration then stated that the measure would, quote, "seriously undermine the ability of agencies to execute their statutory duties," end quotation, and that it, quote, "would impede the ability of agencies to provide the public with basic protections," end quotation, among other concerns.

Unfortunately, rather than heeding these serious concerns, my colleagues, some of them here, want to push forward a bill that has very little political viability. It is a shame that we again waste our time on legislation like this that doesn't reflect the deep concern of the House Judiciary Committee on the issues that are so critical within our jurisdiction. Accordingly, it is my hope that a majority of members of this committee will join me in opposing H.R. 2122.

I thank the chairman and yield back any time that may be remaining.

Chairman Goodlatte. The chair thanks the gentleman.

Are there amendments to H.R. 2122?

Mr. Conyers. Yes. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment of the gentleman from Michigan.

Ms. Deterding. Amendment to H.R. 2122, offered by Mr. Conyers of Michigan. Page 6, beginning on --

[The amendment of Mr. Conyers follows:]

***** INSERT 4-2 *****

Chairman Goodlatte. Without objection, the amendment will be considered as read.

And the gentleman is recognized for 5 minutes on his amendment.

Mr. Conyers. Thank you.

I have already made the point that one of the most pernicious aspects of this measure is that it would override critical law that prohibit agencies from considering costs when public health and safety are at stake. I never thought I would have to be defending that custom in the House Judiciary Committee, that we are now proposing to have costs become a factor in whether public and safety measures are enforced.

To address these shortcomings, my amendment simply strikes the supermandate language of the bill and makes it clear that the bill's cost-benefit analysis requirements apply only to the extent permitted by existing laws.

The supermandate requirement goes well beyond the existing cost-benefit analysis requirements in Executive orders 12-8, 6-6, and 13563, which require agencies to conduct cost-benefit analysis, quote, "to the extent permitted by law and where applicable," end quotation.

The argument that this measure merely makes technical changes that conform to existing practice is belied by the existence of this supermandate, which represents a major change in substantive law. Such a supermandate upends the carefully constructed political bargains that underlay each of the statutes that would be overruled.

Please, let us not allow money to trump safety.

I thank you and end my opening statement.

Chairman Goodlatte. The chair thanks the gentleman and recognizes himself in opposition to the amendment.

The Regulatory Accountability Act requires that agencies consider the costs of all new regulations as they conduct new rulemakings. The amendment would allow numerous agencies to ignore costs under a range of statutes.

The time at which it made sense for agencies to ignore the costs of new rules has passed. The total burden of Federal regulation on the economy has been estimated at well over \$1 trillion per year. The Federal regulatory system, moreover, is mature. Regulators have had decades to address the problems within their jurisdiction.

Supreme Court Justice Steven Breyer observed as long ago as 1993 that the first 10 percent of regulatory costs can eliminate 90 percent of the risks society faces. After decades of regulatory initiatives, we must take that wisdom and the law of diminishing returns into account. From this point on, agencies should always consider costs as they prepare new regulations.

And I urge my colleagues to oppose the amendment.

The question occurs on the amendment offered by the gentleman from Michigan.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it.

Mr. Conyers. Mr. Chairman, may we get a record vote on this?

Chairman Goodlatte. A recorded vote is requested, and the clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

Mr. Smith of Texas. No.

Ms. Deterding. Mr. Smith of Texas votes no.

Mr. Chabot?

[No response.]

Ms. Deterding. Mr. Bachus?

Mr. Bachus. No.

Ms. Deterding. Mr. Bachus votes no.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

[No response.]

Ms. Deterding. Mr. King?

[No response.]

Ms. Deterding. Mr. Franks?

[No response.]

Ms. Deterding. Mr. Gohmert?

[No response.]

Ms. Deterding. Mr. Jordan?

Mr. Jordan. No.

Ms. Deterding. Mr. Jordan votes no.

Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

[No response.]

Ms. Deterding. Mr. Marino?

Mr. Marino. No.

Ms. Deterding. Mr. Marino votes no.

Mr. Gowdy?

[No response.]

Ms. Deterding. Mr. Amodei?

[No response.]

Ms. Deterding. Mr. Labrador?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Mr. Farenthold?

Mr. Farenthold. No.

Ms. Deterding. Mr. Farenthold votes no.

Mr. Holding?

[No response.]

Ms. Deterding. Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Deterding. Mr. Conyers votes aye.

Mr. Nadler?

[No response.]

Ms. Deterding. Mr. Scott?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Mr. Watt?

[No response.]

Ms. Deterding. Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Deterding. Ms. Lofgren votes aye.

Ms. Jackson Lee?

[No response.]

Ms. Deterding. Mr. Cohen?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Mr. Johnson?

[No response.]

Ms. Deterding. Mr. Pierluisi?

Mr. Pierluisi. Aye.

Ms. Deterding. Mr. Pierluisi votes aye.

Ms. Chu?

Ms. Chu. Aye.

Ms. Deterding. Ms. Chu votes aye.

Mr. Deutch?

Mr. Deutch. Aye.

Ms. Deterding. Mr. Deutch votes aye.

Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

[No response.]

Ms. Deterding. Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

Mr. Garcia. Aye.

Ms. Deterding. Mr. Garcia votes aye.

Mr. Jeffries?

[No response.]

Chairman Goodlatte. The gentleman from Ohio?

Mr. Chabot. No.

Ms. Deterding. Mr. Chabot votes no.

Chairman Goodlatte. The gentleman from Virginia?

Mr. Forbes. No.

Ms. Deterding. Mr. Forbes votes no.

Chairman Goodlatte. The gentleman from North Carolina?

Mr. Watt. Aye.

Ms. Deterding. Mr. Watt votes aye.

Chairman Goodlatte. Has every Member voted who wishes to vote?

The clerk will report.

Mr. Johnson. Mr. Chairman?

Chairman Goodlatte. The gentleman from Texas?

Mr. Gohmert. No.

Ms. Deterding. Mr. Gohmert votes no.

Chairman Goodlatte. The gentleman from Georgia?

Mr. Johnson. Vote aye.

Ms. Deterding. Mr. Johnson votes aye.

Chairman Goodlatte. The gentleman from -- the clerk will report.

Ms. Deterding. Mr. Chairman, 11 Members voted aye, 13 Members voted nay.

Chairman Goodlatte. And the amendment is not agreed to.

Are there further amendments to H.R. 2122?

The gentleman from North Carolina?

Mr. Watt. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 2122, offered by Mr. Watt of North Carolina.

[The amendment of Mr. Watt follows:]

***** INSERT 4-3 *****

Mr. Watt. I ask unanimous consent the amendment be considered as read.

Chairman Goodlatte. Without objection, the amendment will be considered as read.

And the gentleman is recognized for 5 minutes on his amendment.

Mr. Watt. Mr. Chairman, this just exempts from the provisions of this bill rules implementing the Dodd-Frank bill.

I happen to sit on both this Judiciary Committee and on the Financial Services Committee, and we went through a long, long, long process to get a set of prudential rules in place regarding financial services matters following the meltdown of our economy as a result of just irresponsible acts taking place. And I would hate to see those rules not be implemented expeditiously as they are being adopted.

We are having a hard enough time getting the regulators to timely proceed with completing the rules, because a lot of the areas in which they are rulemaking are so very complicated and have so many nuances and implications. The last thing we want to do is slow down that process.

And I hear all the time when I go home with my business community that they are looking for certainty. "Just tell us what the rules are so that we can start playing by them." And to the extent that we delay that certainty, we delay their ability to rely on what the rules of the road will be going forward.

So I ask my colleagues to join in this. I am not going to prolong this. I will yield back.

Chairman Goodlatte. The chair thanks the gentleman and recognizes himself in opposition to the amendment.

Regulations pertaining to the financial sector should be allowed to go through the same rulemaking process as other regulations. That would assure, for example, that the costs and benefits of new regulations under the Dodd-Frank legislation could be assessed through a neutral procedure.

Likewise, the facts concerning especially costly regulations, those that would cost \$1 billion or more per year, could be tested by the best evidentiary means we have: cross-examination at hearings. Surely the financial crisis has taught us that we should do a better, more careful job of establishing the rules for the financial sector in order to avoid the next financial crisis.

Meanwhile, if the amendment is motivated by a concern that the bill will prevent emergency regulations from being promulgated in the face of a new crisis, that concern is unfounded. The bill preserves agencies' abilities to make interim final rules for good cause, which would certainly apply in the event of a potential new financial meltdown.

I urge my colleagues to oppose the amendment.

Who seeks recognition?

For what purpose does the gentleman from Tennessee seek recognition?

Mr. Cohen. To strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Cohen. Financial regulations, jobs, great recession. I am trying to understand this. The opening statement was about the economy not growing and about, I guess, the need to get the economy moving and create jobs since it is the slowest since the great recession.

What brought about the great recession? Lack of regulations, derivatives, letting Wall Street do whatever they wanted to do and get wild and crazy, and it went across the Atlantic, and we had the great recession. And so what we are going to do is repeat what we did before and have less regulations on financial -- Dodd-Frank, which is trying to protect us. It just baffles me. It baffles me.

We have stopped every jobs bill the President has had. We have imposed a sequestration that has cut employment in the government sector, which is part of the employment, talking about the people who are desperately without jobs and can't get jobs. Why are they there? Partly because we have cut out government jobs and we have gone to this austerity program that has failed all over Europe but somehow it is going to magically work here, but it doesn't and it hasn't.

And then we are not going to have regulations on the financial sector that caused the great recession? You know, it just baffles me. You know, the definition of "insanity" is to repeat the same thing over and over and over and expect a different result. And that is what we are doing. We don't seem to be learning from history, for you are doomed to repeat it.

I am definitely in favor of the amendment and just baffled how we are here and think that by just destroying the regulatory scheme

that protects the American public, not only in financial situations but in health and safety and security and clean air and clean water and the opportunity for us and our children and grandchildren, future generations to live a healthy life and not have pollutants that poison their system and environmental crises that destroy the Earth as they know it, we are going the wrong direction. It baffles me. And that is all I have to say.

And we are going to lose, and we are going to lose on all this, and none of these bills are going to go anywhere. And I am amazed we are -- not surprised we are in single digits as our approval rating in Congress, because we are not trying to get things done and accomplish anything.

And on the first bill, when we didn't exempt civil rights, that was the nadir of this committee. Mr. Bachus was the most impressive vote I have seen in this committee maybe since I have been here. He might have been the only vote we have had to cross sides. He voted his conscience, and he did the right thing.

And there was no harm in eliminating the civil rights provisions. Civil rights laws should be put up on Mount Sinai. They are laws we all ought to look to, like the Ten Commandments. And yet we just take the opportunity to discriminate and say, fine, let it be.

I yield back the balance of my time. God save the United States of America.

Chairman Goodlatte. The question occurs on the amendment offered by the gentleman from North Carolina.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it.

Mr. Watt. Oh, come on, Mr. Chair. I didn't even hear a "no."

I ask for a recorded vote.

Chairman Goodlatte. A recorded vote is requested to test the hearing of the chairman's ruling. And the clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

[No response.]

Ms. Deterding. Mr. Chabot?

Mr. Chabot. No.

Ms. Deterding. Mr. Chabot votes no.

Mr. Bachus?

Mr. Bachus. No.

Ms. Deterding. Mr. Bachus votes no.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

[No response.]

Ms. Deterding. Mr. King?

[No response.]

Ms. Deterding. Mr. Franks?

[No response.]

Ms. Deterding. Mr. Gohmert?

[No response.]

Ms. Deterding. Mr. Jordan?

Mr. Jordan. No.

Ms. Deterding. Mr. Jordan votes no.

Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

[No response.]

Ms. Deterding. Mr. Marino?

Mr. Marino. No.

Ms. Deterding. Mr. Marino votes no.

Mr. Gowdy?

[No response.]

Ms. Deterding. Mr. Amodei?

[No response.]

Ms. Deterding. Mr. Labrador?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Mr. Farenthold?

[No response.]

Ms. Deterding. Mr. Holding?

[No response.]

Ms. Deterding. Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

[No response.]

Ms. Deterding. Mr. Nadler?

[No response.]

Ms. Deterding. Mr. Scott?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Mr. Watt?

Mr. Watt. Aye.

Ms. Deterding. Mr. Watt votes aye.

Ms. Lofgren?

[No response.]

Ms. Deterding. Ms. Jackson Lee?

[No response.]

Ms. Deterding. Mr. Cohen?

Mr. Cohen. Aye.

The Clerk. Mr. Cohen votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

Ms. Deterding. Mr. Johnson votes aye.

Mr. Pierluisi?

[No response.]

Ms. Deterding. Ms. Chu?

Ms. Chu. Aye.

Ms. Deterding. Ms. Chu votes aye.

Mr. Deutch?

Mr. Deutch. Aye.

Ms. Deterding. Mr. Deutch votes aye.

Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

[No response.]

Ms. Deterding. Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Mr. DelBene votes aye.

Mr. Garcia?

Mr. Garcia. Aye.

Ms. Deterding. Mr. Garcia votes aye.

Mr. Jeffries?

[No response.]

Chairman Goodlatte. The gentleman from Virginia?

Mr. Forbes. No.

Ms. Deterding. Mr. Forbes votes no.

Chairman Goodlatte. The gentleman from Puerto Rico?

Mr. Pierluisi. Aye.

Ms. Deterding. Mr. Pierluisi votes aye.

Chairman Goodlatte. The gentleman from Texas?

Mr. Gohmert. No.

Ms. Deterding. Mr. Gohmert votes no.

Chairman Goodlatte. The clerk will report.

Ms. Deterding. Mr. Chairman, 9 Members voted aye, 11 Members voted nay.

Chairman Goodlatte. And the amendment is not agreed to.

Are there further amendments to H.R. 2122?

Mr. Cohen. Mr. Chairman, I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Mr. Cohen. It is the amendment that -- Cohen 39.

Ms. Deterding. Amendment to H.R. 2122, offered by Mr. Cohen of Tennessee. Page 34, insert after line 13 the following --

[The amendment of Mr. Cohen follows:]

***** INSERT 4-4 *****

Mr. Cohen. Keep reading.

Chairman Goodlatte. Without objection, the amendment is considered as read.

And the gentleman is recognized for 5 minutes on his amendment.

Mr. Cohen. Thank you, Mr. Chairman.

This amendment would exempt from H.R. 2122 any rule that would prohibit or strengthen existing prohibitions on financial businesses owning non-financial businesses to ensure that American consumers are protected from artificially inflated prices caused by bank ownership of non-financial businesses.

You wonder, why would this amendment be here? Well, this past Sunday, if you read The New York Times, its feature story, it had an extensive and exclusive article about how Goldman Sachs was able to take advantage of lax regulation to raise the price of aluminum on consumers that affects consumers every time they drink a beverage that comes out of an aluminum can. And Goldman Sachs made a hefty profit for itself in the process, about \$5 billion a year, at the expense of consumers because of the lack of regulations.

I ask unanimous consent first to submit this article entitled, "A Shuffle of Aluminum, but to Banks, Pure Gold," published in The New York Times online July 20, 2013, and in the print edition July 21, for the record.

Chairman Goodlatte. Without objection, it will be made a part of the record.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. Cohen. Thank you.

The article detailed how Goldman was able to buy Metro International Trade Services, a company that stores metal and, in particular, one-quarter of the aluminum supply available in the market. Goldman, a financial company, was able to buy Metro International, a non-financial business, because, according to the Times, it used special exemptions granted by the Federal Reserve Bank and relaxed regulations approved by Congress.

Goldman has used its ownership of Metro to manipulate the price of aluminum by simply shifting aluminum products stored at one Metro warehouse to another Metro warehouse, lengthening the storage time for the aluminum and allowing it to charge more rent to its customers.

This practice, which has made Goldman even wealthier, also makes the price of aluminum go up. And this increased price ultimately gets passed onto the consumers of aluminum, which means all of us, a nonpartisan raise on blue and red States and Republican and Democrats. Although this practice raises the price of aluminum cans only by a tenth of a cent, keep in mind there are 90 billion cans consumed each year, which came to that \$5 billion total, according to the Times.

The Times further noted, for most of the last 100 years, Congress tried to keep a wall between banking and commerce -- tried to keep a wall. Banks were forbidden from owning non-financial businesses and non-financial businesses were forbidden from owning banks to minimize the risk they take and ultimately to protect depositors. Congress strengthened those regulations in the 1950s, the good old days of Ike.

But, by the 1980s, a wave of deregulation began to build, and there they go again. And banks have, in some cases, been transformed into merchants. Other restrictions were weakened or eliminated during the 1990s -- yes, we were complicit in that, too, I guess -- when some banks were allowed to expand into storing and transporting commodities.

This is just the latest example of how lax regulation and deregulation have helped Wall Street grow exceedingly rich at the expense of each and every American consumer. Those regulations that were rescinded or weakened in the 1980s and 1990s were there to protect the American people from particularly, precisely this type of manipulative bank behavior by big banks which benefits the banks by imposing artificially high costs on consumers.

My amendment would ensure, should Congress and regulators return to their senses of protecting the American public, any rules that would reinstitute or strengthen the wall between financial and non-financial businesses, a wall that is designed, intended, and has protected consumers, would not be delayed by the overly burdensome procedural and other requirements of H.R. 2122.

I would urge my colleagues to think in terms of supporting the consumers, not Wall Street, and support this amendment.

I further say nothing. Yield back the balance of my time.

RPTS MCKENZIE

DCMN HOFSTAD

[4:55 p.m.]

Chairman Goodlatte. The chair thanks the gentleman and recognizes himself in opposition to the amendment.

Regulations pertaining to the financial sector should be allowed to go through the same rulemaking process as other regulations. That is as true for rules concerning whether financial businesses can own non-financial businesses as for any other rules.

Why, for example, should the bill's cost-benefit provisions not apply to new rules that would prevent financial companies from hedging against risks in their finance businesses by purchasing less-risky businesses as part of their holdings? Shouldn't regulatory agencies be required to determine what the costs and the benefits of its regulatory options would be? The bill would not require one result or the other. It would simply assure better-informed decision-making.

Similarly, for new major rules in this area, why shouldn't the bill's requirements for advance notice of proposed rulemaking apply? Wouldn't they help regulators better identify potential regulatory options or even whether the regulation is necessary at all?

I would urge my colleagues to oppose the amendment.

The question occurs on the amendment offered by the gentleman from Tennessee.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it.

Mr. Cohen. Mr. Chair, even the guys over there I heard saying "aye."

Chairman Goodlatte. Well, you questioned me on the last one, and I turned out to be right. So we will call the role on this one, too? Is that what you are requesting? Are you asking for a roll call vote?

Mr. Cohen. Yes.

Chairman Goodlatte. All right. The clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

Mr. Smith of Texas. No.

Ms. Deterding. Mr. Smith of Texas votes no.

Mr. Chabot?

Mr. Chabot. No.

Ms. Deterding. Mr. Chabot votes no.

Mr. Bachus?

Mr. Bachus. No.

Ms. Deterding. Mr. Bachus votes no.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

[No response.]

Ms. Deterding. Mr. King?

[No response.]

Ms. Deterding. Mr. Franks?

[No response.]

Ms. Deterding. Mr. Gohmert?

Mr. Gohmert. No.

Ms. Deterding. Mr. Gohmert votes no.

Mr. Jordan?

Mr. Jordan. No.

Ms. Deterding. Mr. Jordan votes no.

Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

[No response.]

Ms. Deterding. Mr. Marino?

Mr. Marino. No.

Ms. Deterding. Mr. Marino votes no.

Mr. Gowdy?

Mr. Gowdy. No.

Ms. Deterding. Mr. Gowdy votes no.

Mr. Amodei?

[No response.]

Ms. Deterding. Mr. Labrador?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Mr. Farenthold?

[No response.]

Ms. Deterding. Mr. Holding?

[No response.]

Ms. Deterding. Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

[No response.]

Ms. Deterding. Mr. Nadler?

[No response.]

Ms. Deterding. Mr. Scott?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Mr. Watt?

Mr. Watt. Aye.

Ms. Deterding. Mr. Watt votes aye.

Ms. Lofgren?

[No response.]

Ms. Deterding. Ms. Jackson Lee?

[No response.]

Ms. Deterding. Mr. Cohen?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

Ms. Deterding. Mr. Johnson votes aye.

Mr. Pierluisi?

Mr. Pierluisi. Aye.

Ms. Deterding. Mr. Pierluisi votes aye.

Ms. Chu?

Ms. Chu. Aye.

Ms. Deterding. Ms. Chu votes aye.

Mr. Deutch?

Mr. Deutch. Aye.

Ms. Deterding. Mr. Deutch votes aye.

Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

[No response.]

Ms. Deterding. Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

Mr. Garcia. Aye.

Ms. Deterding. Mr. Garcia votes aye.

Mr. Jeffries?

[No response.]

Chairman Goodlatte. The gentleman from Virginia?

Mr. Forbes. No.

Chairman Goodlatte. Are there additional Members who have not voted who wish to vote?

The clerk will report.

Ms. Deterding. Mr. Chairman, 9 Members voted aye, 13 Members voted nay.

Chairman Goodlatte. And the amendment is not agreed to.

I understand that the gentleman from Tennessee has an additional amendment? Is that correct?

Mr. Cohen. Yes, sir, but in the spirit of this committee and the cost-benefit analysis of us considering it, I am going to withdraw it.

Chairman Goodlatte. The question then occurs.

A reporting quorum being present, the question is on the motion to report the bill, H.R. 2122, favorably to the House.

Those in favor will say aye.

Those opposed, no.

The ayes have it. The amendment is ordered reported favorably.

Is there a request for a recorded vote?

Mr. Cohen. There is.

Chairman Goodlatte. There is. The clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. Aye.

Ms. Deterding. Mr. Goodlatte votes aye.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

Mr. Smith of Texas. Aye.

Ms. Deterding. Mr. Smith of Texas votes aye.

Mr. Chabot?

Mr. Chabot. Aye.

Ms. Deterding. Mr. Chabot votes aye.

Mr. Bachus?

Mr. Bachus. Aye.

Ms. Deterding. Mr. Bachus votes aye.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

[No response.]

Ms. Deterding. Mr. King?

[No response.]

Ms. Deterding. Mr. Franks?

[No response.]

Ms. Deterding. Mr. Gohmert?

Mr. Gohmert. Aye.

Ms. Deterding. Mr. Gohmert votes aye.

Mr. Jordan?

Mr. Jordan. Yes.

Ms. Deterding. Mr. Jordan votes aye.

Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

[No response.]

Ms. Deterding. Mr. Marino?

Mr. Marino. Yes.

Ms. Deterding. Mr. Marino votes aye.

Mr. Gowdy?

Mr. Gowdy. Aye.

Ms. Deterding. Mr. Gowdy votes aye.

Mr. Amodei?

[No response.]

Ms. Deterding. Mr. Labrador?

Mr. Labrador. Yes.

Ms. Deterding. Mr. Labrador votes aye.

Mr. Farenthold?

[No response.]

Ms. Deterding. Mr. Holding?

[No response.]

Ms. Deterding. Mr. Collins?

Mr. Collins. Aye.

Ms. Deterding. Mr. Collins votes aye.

Mr. DeSantis?

Mr. DeSantis. Aye.

Ms. Deterding. Mr. DeSantis votes aye.

Mr. Smith of Missouri?

Mr. Smith of Missouri. Yes.

Ms. Deterding. Mr. Smith of Missouri votes aye.

Mr. Conyers?

[No response.]

Ms. Deterding. Mr. Nadler?

[No response.]

Ms. Deterding. Mr. Scott?

Mr. Scott. No.

Ms. Deterding. Mr. Scott votes no.

Mr. Watt?

Mr. Watt. No.

Ms. Deterding. Mr. Watt votes no.

Ms. Lofgren?

[No response.]

Ms. Deterding. Ms. Jackson Lee?

[No response.]

Ms. Deterding. Mr. Cohen?

Mr. Cohen. No.

Ms. Deterding. Mr. Cohen votes no.

Mr. Johnson?

Mr. Johnson. No.

Ms. Deterding. Mr. Johnson votes no.

Mr. Pierluisi?

Mr. Pierluisi. No.

Ms. Deterding. Mr. Pierluisi votes no.

Ms. Chu?

Ms. Chu. No.

Ms. Deterding. Ms. Chu votes no.

Mr. Deutch?

Mr. Deutch. No.

Ms. Deterding. Mr. Deutch votes no.

Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

[No response.]

Ms. Deterding. Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. No.

Ms. Deterding. Ms. DelBene votes no.

Mr. Garcia?

[No response.]

Ms. Deterding. Mr. Jeffries?

[No response.]

Chairman Goodlatte. The gentleman from Virginia?

Mr. Forbes. Yes.

Ms. Deterding. Mr. Forbes votes aye.

Chairman Goodlatte. Has everyone voted who wishes to vote?

The clerk will report.

Mr. Johnson. Mr. Chairman? Mr. Chairman? May I inquire as to how I am recorded on this vote?

Chairman Goodlatte. Instead, I will ask the gentleman from Florida.

Mr. Garcia. No.

Ms. Deterding. Mr. Garcia votes no.

Chairman Goodlatte. The clerk will report.

Ms. Deterding. Mr. Chairman, 13 Members --

Mr. Johnson. Mr. Chairman?

Ms. Deterding. -- voted aye and --

Mr. Johnson. Mr. Chairman?

Ms. Deterding. -- 9 Members voted nay.

Mr. Johnson. How am I recorded?

Chairman Goodlatte. How is the gentleman from Georgia recorded?

Ms. Deterding. Mr. Johnson votes no.

Mr. Johnson. Are you sure?

Ms. Deterding. Yes.

Chairman Goodlatte. We are sure.

The clerk will report.

Ms. Deterding. Mr. Chairman, 13 Members voted aye and 9 Members voted nay.

Chairman Goodlatte. And the bill is ordered reported favorably to the House.

Members will have 2 days to submit views.

[The information follows:]

***** COMMITTEE INSERT *****

Chairman Goodlatte. Members are advised that we have a number of additional bills but we will not be reconvening following this vote series. So the committee will adjourn, and we will continue this markup next week.

And we thank all the Members for their participation.

The committee is adjourned.

[Whereupon, at 5:05 p.m., the committee was adjourned.]